

State of Maine
Department of Conservation

Maine Land Use Regulation Commission

Public Hearing

August 2, 2006 through August 4, 2006

Zoning Petition ZP 702, Maine Mountain Power, LLC
Redington Township and Wyman Township, Franklin County

Held at the Sugarloaf Grand Summit Conference Center
Carrabassett Valley, Maine

1 (The hearing commenced at 6:00 p.m. on August 2, 2006.)

2 * * * * *

3 THE CHAIR: Good evening everyone. My name is Bart
4 Harvey. I'm the chairman of the Land Use Regulation
5 Commission, and I'm the presiding officer for the hearing; and
6 as most of you are aware, this is a hearing that starts tonight
7 and goes through to Friday night. Hopefully by 5:00 we'll be
8 able to wrap it up, but that remains to be seen. It depends on
9 how long winded we all are.

10 In addition to myself, members of the Land Use
11 Regulation Commission who are with me here tonight are Steve
12 Schaefer, Jim Nadeau, Catherine Carroll -- who is the executive
13 director of the LURC commission -- Steve Wright, Gwen Hilton,
14 and Rebecca Kurtz. Ed Laverty, a commissioner, the other
15 commissioner, is out of the country right now.

16 In addition to the Commission, the staff, as I've
17 introduced, Scott Rollins is here somewhere over near the
18 sign-in sheet, Marcia Spencer-Famous will be making a brief
19 presentation later, Fred Todd, and Melissa Macaluso is over
20 here running the sound machine.

21 Now, in addition to the LURC staff, we also have a
22 court reporter here tonight. Everything that's said tonight is
23 going to be recorded and become part of the official record of
24 this hearing. The court reporter will be here for all of the
25 hearing, so there will be a very complete record of everything

1 we say. So remember that as you're making your testimony.

2 Now I have a brief statement that I'm going to read
3 into the record, so if you bear with me.

4 This evening's hearing is being held pursuant to
5 provisions of Title 12 MRSA Section 685-a, and the hearing will
6 be conducted in accordance with Chapter 5 of the Commission
7 rules for the conduct of public hearing.

8 This hearing -- evening's hearing is being held to
9 receive public testimony on the matter of Zoning Petition
10 ZP-702 submitted by Maine Mountain Power, LLC, to rezone 1,000
11 acres of Redington Township, Franklin County from a mountain
12 area protection subdistrict to a planned development
13 subdistrict to develop a wind power facility.

14 Within the planned development subdistrict, the wind
15 power facility would include 30 turbines on Black Nubble and
16 Redington Pond Range, access roads, and underground utility
17 lines.

18 Outside of the planned development subdistrict in
19 Redington Township and Wyman Township, the wind power facility
20 would include access roads, utility lines, a substation, and a
21 maintenance building.

22 The purpose of this public hearing is to allow the
23 public to present direct testimony and evidence as to whether
24 the development proposal meets the criteria for approval as
25 specified in Title 12 MRSA Section 685-a Subparagraph 8-A of

1 the Commission's statute and the Commission's Land Use
2 Districts and Standards.

3 As I indicated, we've asked those of you who wish to
4 testify to sign up on the sign-up sheets. I have three of them
5 in front of me now. Fred Todd will bring the others down as
6 they're completed.

7 We will be asking all witnesses to be sworn and will
8 be required to give testimony to state for the record their
9 name, residence, business or professional affiliation, the
10 nature of their interest in the hearing, and whether or not
11 they represent another individual, firm, or other legal entity
12 for purposes of the hearing.

13 In addition to being transcribed, we'll be recording
14 the proceedings, so I would request that everybody that wishes
15 to testify comes down front and uses the microphone in front
16 here so we record everything that is said and the court
17 reporter can hear what you're saying.

18 I will remind everyone here -- this is very
19 important -- that all of the questions and testimony must be
20 relevant to the Commission's criteria for approval of this
21 project. Irrelevant and unduly repetitious material or
22 questions will be excluded from the record and will not be used
23 in any part of the decision.

24 Now, the record of the hearing will remain open for
25 at least ten days for written comments, until August 14th, and

1 an additional seven days, until the 21st, for rebuttal
2 testimony as determined by myself.

3 Written public comments will be entered into the
4 record until August 21st. No additional evidence or testimony
5 will be allowed into the record after that date.

6 And I would add an amendment here that the record,
7 given the nature of the hearing and how long and what happens
8 over the next couple of days, those dates might change. But
9 they will at least be the dates that I have specified.

10 Now, I want to remind you, I have a list here that
11 has something like 40 names on it all saying they want to
12 testify, and there's probably another 20 or 30 up there, so
13 we're looking at having 50 to 60 people who wish to testify
14 tonight.

15 Now, we'll be here -- I hesitate to say as long as
16 you want us to be and we have been here all day already -- I
17 think I need to ask all of you to please limit your testimony
18 to three to five minutes. Long testimony doesn't necessarily
19 mean we're going to remember it any better.

20 So those who speak briefly and to the point will be
21 remembered. I hope I made myself clear on that. If you get
22 carried away, I have a gavel here, too. I hope I don't need to
23 use it. I don't want to shut anybody off that has something to
24 say.

25 In the spirit of trying to get everybody up here who

1 wants to say something, we need all of your cooperation.

2 At this time I need -- the other thing is, all the
3 people who wish to testify have to be sworn in, so all of you
4 who wish to be sworn need to stand -- I'm sorry, who wish to
5 testify need to stand up and raise your right hand for me,
6 please.

7 (PARTICIPANTS SWORN EN MASSE.)

8 THE CHAIR: If you didn't get sworn in and you decide
9 to testify, I would appreciate it if you would let me know.

10 Now, we'll begin tonight briefly by asking Marcia
11 Spencer-Famous of the Commission staff, who is going to give
12 you a brief summary of the whole administrative history of this
13 application, and then the Applicant is going to give a brief
14 presentation on the project, so everybody has a fairly complete
15 picture of what is being proposed, and then we'll -- we have
16 to, as a formal matter, introduce into the record all of the
17 exhibits that will be considered. That's just a very simple
18 administrative matter.

19 Then from there we will go right to your public
20 testimony, and I'm going to be calling you up based on this
21 list, and the only thing we'll take out of order, we do have a
22 couple of State senators here that we normally as a courtesy
23 allow them to testify first.

24 So we will be asking those folks to come up in a
25 minute after we've made these two short presentations.

1 Marcia, would you go ahead, please, with your
2 presentation.

3 MS. SPENCER-FAMOUS: This is Exhibit 9. It's a staff
4 statement and administrative history.

5 In February of 2006 -- Exhibit 9 is a staff statement
6 and administrative history.

7 In February of 2006 Maine Mountain Power submitted a
8 petition to rezone approximately 1,000 acres on Redington Pond
9 Range and Black Nubble Mountain in Redington Township, Franklin
10 County.

11 The purpose of this rezoning is to construct a
12 30-turbine wind farm. The matter being considered at this time
13 is a rezoning of the parcels and the preliminary development
14 plan.

15 Within the proposed plan development subdistrict, the
16 Applicant construct wind turbines on Black Nubble Mountain and
17 Redington Pond Range, gravel access roads, and utility lines.

18 Outside of the proposed plan development subdistrict
19 associated with the project in Redington and Wyman Townships,
20 the facility would include 31.5 kV and 115 kV utility lines,
21 access roads, maintenance building, and substation.

22 The activities within the subdistrict would include
23 12 turbines on Redington Pond Range, 18 turbines on
24 Black Nubble Mountain, approximately 12 miles of new gravel
25 roads, and above- and below-ground 34.5 kV utility lines.

1 Each turbine tower will be 260 feet tall with a
2 300-foot diameter rotor for a total height of 410 feet.

3 The area to be cleared within the planned development
4 subdistrict will be 106 acres during construction, which will
5 be reduced to 70 acres when operating after revegetation.

6 The total untouched area within the planned
7 development subdistrict would be 898 acres.

8 The access roads and utility lines, both within and
9 outside the planned development subdistrict, for a total area,
10 will be cleared for a total area of clearing, including 11
11 miles of utility lines would be 307 acres. The total area of
12 wetland impact will be approximately one-third acre.

13 Administrative history. A pre-application conference
14 was held in 2002, and the Applicant has consulted
15 periodically -- both before that time and after that time --
16 with LURC staff and with other State and Federal agency staff
17 since the mid 1990s to make sure that agency concerns were
18 addressed and that all materials required for rezoning were
19 submitted.

20 A pre-submission meeting was held in August and then
21 again in September with different State agencies and with LURC
22 staff prior to the submittal, which actually was done in
23 December of 2005.

24 A draft petition was submitted at that point in
25 December, and staff reviewed it to see if it was complete in

1 processing.

2 A letter with deficiencies in the application was
3 sent in January of 2006. The Applicant revised the petition in
4 response to staff comments with a version of the petition and
5 was deemed as complete for processing on February 7th, 2006.

6 Staff notified the Applicant on February 8th and the
7 application was accepted as complete and processed. A formal
8 review period was established and petition was sent to State
9 and Federal agencies and to stakeholders for review. All
10 interested parties were notified.

11 The deadline for new comments was established and
12 that was April 28th. The Applicant then responded to agency
13 review comments in June. LURC at this point also engaged the
14 services of a contractor to provide a third-party review of the
15 individual assessment section of the petition.

16 In March, Commission staff asked the Commission to
17 grant a public hearing and that was granted. The public
18 hearing date was not set at that time.

19 Staff -- in May of 2006 the Commission granted
20 intervenor status to 15 parties and also acknowledged
21 participation in the proceedings by the National Park System as
22 a government agency.

23 Seven groups were in opposition to the petition; five
24 were for; and four stated a neutral position.

25 The public hearing date was set for the week of

1 July 31st. Several other dates were tentatively scheduled,
2 including June 8th, for a pre-hearing conference, various dates
3 for pre-filed testimony to be submitted, and July 11th for a
4 Commission site visit.

5 A pre-hearing conference was held on June 8th. A
6 pre-hearing order specified the dates for submittal of
7 pre-filed testimony and consolidation of Intervenors, hearing
8 schedule, and other procedural matters. The final date for the
9 public hearing was set at that time as August 2nd through 4th.

10 Pre-filed testimony was submitted by the parties on
11 July 14th, except for the testimony from the National Park
12 Service and testimony prepared by LURC's scenic reviewer, was
13 submitted on July 25th.

14 Bart, do I need to submit the exhibit list -- do I
15 need to just put them in the file or do you want me to read it?

16 The last number is 14 -- through 14. 1 through 14.
17 I would like to submit Exhibits List, Exhibits No. 1 through 14
18 to the file.

19 THE CHAIR: Mr. Thaler.

20 MR. THALER: Mr. Chairman, members of the Commission,
21 I'm Jeff Thaler. I'm one of the permitting attorneys for the
22 Applicant.

23 Randy Mann will be giving an overview of the project
24 for the Commission and for the public. I think for convenience
25 of the public and the Commission, Randy will stand a little bit

1 over that way rather than right in front of you. Otherwise,
2 his back would be to the audience.

3 MR. MANN: Good evening, Mr. Chairman, LURC
4 Commissioners, LURC staff, and ladies and gentlemen.

5 Thank you all very much for coming out to hear us
6 tonight. It's a rainy night, it's a good night to be inside.

7 My name is Randy Mann, and I'm with Edison Mission
8 Energy. I'm responsible for developing Edison Mission Energy
9 business. I'm honored to have the opportunity to present Maine
10 Mountain Power's Redington Wind Farm proposal to you tonight.

11 The proposed project is a \$150 million 90 megawatt
12 wind generating facility. The picture that you're looking at
13 here is a proposed simulation taken from a surveyor's hut off
14 the Appalachian Trail on Crocker Mountain.

15 The wind turbines that you see to the left side are
16 on Redington Mountain. Those are done a mile and a half from
17 where the photo was taken. The wind turbines that you see in
18 the distance are about 4.8 miles to Black Nubble Mountain.

19 Maine Mountain Power is a partnership between Edison
20 Mission Energy and Endless Energy Corporation. This
21 partnership brings together Edison Mission Energy's long and
22 successful track record of wind energy, development, ownership,
23 and operation, as well as Endless Energy company's capabilities
24 and development of local expertise.

25 Joining me tonight from Edison Mission Energy are

1 several folks. One is Jerry Lockman, who is the senior vice
2 president of the company. He's responsible for all new
3 business development within Edison.

4 We also have Tom McCabe somewhere in the room
5 tonight. Tom is responsible for our environmental health and
6 safety activities.

7 Charlie Purnell, I think I saw him in the back, he's
8 responsible for our government relations activities.

9 Then we'll be joined over the next couple of days by
10 Peter Goldbrunner, who is responsible for construction of wind
11 energy projects within Edison, and also Ron Muse will be
12 testifying tomorrow. He's responsible for project operations.

13 And of course we're joined by Harley Lee. I
14 shouldn't forget to mention Harley, he's right here in front.
15 Harley is president of Endless Energy Corporation. And you'll
16 be hearing from Harley tomorrow morning as well.

17 Maine has been blessed with a tremendous amount of
18 natural resources, and your state has tapped into those natural
19 resources for hydro electricity, for foresting, fishing,
20 farming, and for natural outdoor recreation. What we would
21 like to do is harvest the wind in your state. Right here in
22 the western mountains of Maine there's a tremendous wind
23 resource.

24 The photograph you're seeing is an operating wind
25 turbine, which is of the same type and model as what we would

1 propose to deploy here in western Maine.

2 Our project will deliver three principle benefits to
3 the state of Maine:

4 First, we'll deliver clean, renewable energy, enough
5 energy to serve about 40,000 Maine homes;

6 Second, we'll help relieve Maine's over dependence on
7 fossil fuels, fossil fuels that are expensive and volatile in
8 price;

9 And thirdly, perhaps the most importantly, we'll help
10 to reduce greenhouse gas emissions and air pollution caused by
11 fossil fuel generation. This type of air pollution can
12 contribute to acid rain, smog, and other air quality problems.

13 We've brought together a fantastic team of industry
14 leaders to help bring this project to fruition here in Maine.
15 In addition to Endless Energy and Edison Mission Energy, these
16 companies include Vestas, who will be supplying turbine
17 equipment for our project.

18 Vestas is the No. 1 turbine manufacturer in the
19 world. They've installed over 30,000 units.

20 We'll also be joined by Mortenson, a leading
21 construction company for wind energy here in the United States.

22 And Constellation Energy, who is a leading retail
23 supplier of energy in Maine and in New England, will be buying
24 100 percent of the output of our project and then selling it in
25 turn locally here in Maine.

1 You'll be hearing over the next couple of days from
2 representatives of each of these companies about their plans
3 and qualifications to help execute this project.

4 Our partner, Endless Energy, has spent more than a
5 decade searching for the most appropriate site for wind energy
6 development here in the state of Maine. They've scoured
7 New England and Maine and chosen Redington and Black Nubble
8 Mountains as the most appropriate place for wind energy
9 development.

10 There really are a series of reasons, but the two
11 that I want to highlight are that there's an outstanding wind
12 resource on those ridgeline mountains. That's No. 1.

13 And No. 2, we're at one of the few places in the
14 state of Maine where an outstanding ridgeline wind resource is
15 close to high level transmission. And those two features
16 together make this an excellent spot.

17 We are not alone in seeking to develop a project in
18 this area. We're joined here by other development, which also
19 takes advantage of the natural resources in this area.

20 Other development includes ski areas, a biomass
21 project, and extensive logging activities. In fact, that
22 development allows us to take advantage of some existing roads
23 and transmission lines and thereby minimize the environmental
24 impacts that our project will have.

25 Over the period of time that we've been developing

1 this project, we have solicited advice from a large number of
2 experts in a variety of fields, and these experts, including
3 local and national experts, have given us advice about how to
4 best design our project to minimize the environmental impact
5 that it will have. Over the next couple of days you'll hear
6 from those experts about the design and the plans for our
7 project.

8 We've also conducted extensive studies and analysis.
9 Experts in each of these areas will talk about the extensive
10 studies they have done and their conclusions that indicate that
11 our project will have no adverse impact -- no undue adverse
12 impact on the natural environment.

13 We know that the scenic resources in this area are
14 important to you and to your state, and so we've been attentive
15 to that issue as well.

16 We have engaged visual experts who have studied this
17 issue extensively, and their analysis concludes that the
18 project will be visible from a very small amount of the area,
19 in a 15-mile circumference, around our project.

20 We also know that our project is close to the
21 Appalachian Trail in several spots. Again, we have studied the
22 Appalachian Trail and the viewpoints from that trail, and we've
23 analyzed it and concluded that for only about 9 percent, the
24 trail within this 15-mile circumference, will our project sight
25 will be visible.

1 It's important to note that from most of those places
2 the hikers will also be able to see other development in the
3 area, including the ski resort, the logging activities, other
4 activities that I mentioned earlier.

5 Our project will also offer a series of benefits,
6 economic and other, to the local community and the state of
7 Maine.

8 First of course are jobs. These will be well paying
9 jobs, both in construction and in operation, and we have an
10 approach of trying to hire here locally if we can.

11 We also offer other financial benefits, including
12 property taxes, the purchase of goods and services, and so on.

13 We also know that recreation and conservation is
14 important in this area of Maine, and so our project offers a
15 proposal which combines a package of land conservation and land
16 protection, as well as some new opportunities for recreation
17 and education. In the next couple of days we'll talk about
18 those plans in a little more detail.

19 We have been very gratified by the support that we
20 found in the state of Maine for our project. There have been
21 numerous polls, petitions, testimonials that have expressed
22 support for our project. This is consistent with what we found
23 across the country as we develop renewable energy projects.

24 People recognize the need for renewable energy to
25 help make the electric generation industry more sustainable,

1 particularly in the face of increasing demand for electricity.

2 In summary, we have a well developed project, we have
3 an outstanding team that's ready to bring this project to
4 fruition, we have analyzed all of the issues and all of the
5 aspects of it, and we conclude that there will be no undue
6 adverse effect on the environment.

7 We look forward to speaking with you over the next
8 couple of days, taking your questions, listening to your
9 feedback, and we hope that the process will be informative for
10 all of us.

11 Again, thank you very much for coming out tonight.
12 I'm going to turn it back over to the chairman.

13 THE CHAIR: Thank you, Mr. Mann. We will begin our
14 testimony now from the public, and I'm going to call on Senator
15 Cowger. Is he here?

16 PUBLIC TESTIMONY

17 SENATOR COWGER: Thank you, Commissioner Harvey,
18 other Commissioners, Director Carroll.

19 For the record I was actually No. 2 on the list.

20 I am Senator Scott Cowger from Hallowell. I
21 represent Kennebec County in the State legislature. I'm also
22 the Senate chair of the natural resources committee, and I also
23 have served eight years on that committee, and I also serve in
24 the current term as a member of the utility energy committee,
25 so I'm hopefully well versed to speak with you for a just a

1 couple of minutes.

2 I'm also not running for reelection this year and
3 can't see this project in my district, but I'm here to speak
4 with very strong support of the Redington Wind Farm project for
5 both environmental and utility benefits.

6 I believe this singular project is a watershed moment
7 for the future of renewable energy in Maine. The decisions you
8 make with this project are going to shape our future, not only
9 for us, but for future generations as well.

10 Wind power projects, as you've heard, must be sited
11 in an area where there's steady wind in order to have a
12 reasonable economic payback. These areas are often going to be
13 on pristine mountain ridges or on sensitive coastal areas.
14 That's just where the wind is.

15 So all of us, especially you, have to make some very
16 important choices. If we're going to have viable wind power
17 projects on a commercial scale in Maine, we have to site them
18 where the winds are strongest and continuous.

19 I believe that if this means that our mountain ranges
20 are lined with large turbines generating pollution-free energy,
21 then that's a choice that we just have to make, and I say,
22 let's do this project and as many other wind projects as we
23 can.

24 And why? You heard some of it just a minute ago. We
25 in this country, our state, our towns, we're facing an

1 irreversible and dramatic change in our climate as a result of
2 global warming.

3 Without immediate and definitive actions at the
4 Federal, State, and local levels, do we even stand a chance at
5 minimizing the effects of climate change?

6 I personally believe it's already too late to stop
7 global warming, so we must take action now to eliminate the
8 effects, including the actions you take, the approval of this
9 project.

10 Without this wind farm and others like it, we will be
11 facing in the next half century the likely loss of our ski
12 industry. These buildings will be vacant. Sugar maples will
13 stop running sap, taking the maple industry with them, and our
14 beautiful fall foliage will be a memory only our grandparents
15 will remember, devastating our fall tourism economy, taking
16 away the beauty that it provides.

17 But most importantly without actions to minimize
18 climate change, the wilderness experiences that we all now
19 enjoy today are not in the future. We're just going to have a
20 view of some gleaming silent white wind turbines, but they're
21 going to fundamentally change.

22 With global warming, we will lose entire species of
23 flora and fauna, and the Maine woods will be a different place.

24 I don't want that to happen. I hope you will take
25 action, approving this project as a step, yes, a very small

1 step, but a definitive step, to mitigating the impact of
2 climate change here in Maine and across the country.

3 We need electricity and we need clean electricity.

4 I also just want to say that beauty is in the eye of
5 the beholder. I think you'll hear from many people that the
6 objection of this project is viewing the turbines on seeing
7 them on mountain ridges and seeing them from the Appalachian
8 Trail. I think wind turbines are beautiful.

9 Parts of the AT go along highways in two towns, and
10 that's not a resemblance at all of wilderness. A view of clean
11 energy wind turbines viewed during a small portion of a hike on
12 the AT to me would be a welcome sight, a human commitment that
13 we have made to minimizing our impact on the environment.

14 We will continue to have wilderness experiences with
15 this project, just a distant view of some clean renewable
16 energy generation.

17 Finally on a personal note, I have a personal size
18 wind turbine at my home. It's 10 kilowatts, very small turbine
19 compared to these, granted. But many people from around the
20 country and from around our state have marvelled at that small
21 turbine. They've been excited to see it performing, and they
22 ask me about it all the time. They're very excited to see that
23 it provides some of the power that they're actually using.

24 We hope in our little home business to augment that
25 with some solar panels, a solar tower, this fall and actually

1 provide a majority of our power from renewable sources.

2 I think it's time the state of Maine makes a
3 commitment to doing that as well, and this project is just a
4 step in that direction.

5 Thank you very much.

6 THE CHAIR: Is Senator Strimling here? There he is.

7 SENATOR STRIMLING: Thank you very much,
8 Mr. Chairman, Commissioners. I very much appreciate your being
9 here tonight and hearing this testimony. Being in the
10 legislature, we often have hearings like this. I actually find
11 it to be the most exiting part of our democracy. It gives
12 people an opportunity to speak.

13 I would say to begin, I find it ironic, or sad I
14 guess, that we are debating today alternative energy on
15 perhaps -- a necessity for alternative energy -- on perhaps the
16 hottest day of the year and perhaps the hottest year on record
17 and perhaps the hottest decade on record.

18 To summarize what Senator Cowger was saying, it is an
19 inconvenient truth that wind projects must go where the wind
20 is, and we must develop these projects.

21 I have submitted to you a letter in support of this
22 project. I stand by that letter. I had submitted legislation
23 last year, which was signed into law by our governor, to allow
24 tax incentives for small-scale wind projects.

25 Part of the reason that I created the bill for

1 small-scale wind projects is because of how difficult it is to
2 create these larger projects. Because people are fearful of
3 the larger projects, I thought, well, maybe we'd start with
4 some of the smaller ones.

5 If you approve this project, it will make bills like
6 mine completely unnecessary because I believe once this project
7 goes up, people will start to recognize this is okay. In fact,
8 this is better than okay, this is necessary.

9 The air we breathe is so much more important than the
10 subjective aesthetic of whether we like something or not.

11 I am a senator from Portland. And lest you think I
12 am an interloper or a carpet bagger in coming up to testify
13 here today, please recognize that I also -- my family owns
14 property in Redington.

15 And not only do they own property in Redington, but
16 the back porch looks exactly on these mountain ranges.
17 Exactly. There is Sugarloaf to the right, and there are these
18 mountain ranges where the turbines are going.

19 Everybody in my family supports this project because
20 I think that if we can give up a little bit of our view -- and
21 again I think it's subjective because I don't have a problem
22 with them -- but if we have to give up just a little bit of our
23 view to make sure that our children and our children's children
24 breathe fresh air, then let the turbines rise.

25 Thank you very much for your hard work.

1 THE CHAIR: Are there any other State representatives
2 that I'm not aware of? If not, I'm going to start at the top
3 of the list.

4 I'm up to 8 pages now that have 13 names on them.

5 We'll go right back to the top of the list. We have
6 Dave Evans.

7 MR. EVANS: Thank you.

8 THE CHAIRMAN: Make sure you tell us where you're
9 from. Somebody left me a note. Tell me where you're from,
10 Dave. Thank you.

11 MR. EVANS: Thank you, Chairman, thank you,
12 Commissioners.

13 I am Dave Evans from Brooklin, Maine. I'm retired, I
14 don't have any associations -- affiliations. I am a proponent
15 of renewable energy, and I plan to tell you why.

16 I've hiked in these mountains and on the Appalachian
17 Trail, and they're both very, very beautiful. I've also hiked
18 past oil wells, with their noise and their stink of sulfur.
19 I've helped to plant trees in old coal mines.

20 I've rode a row boat through extremely, alarmingly
21 hot water from a power plant. Perhaps these are the reasons
22 that I get all my electricity now from four small solar
23 electric panels.

24 But I don't operate in a vacuum. The community
25 around me, my neighbors, the schools, most of them get their

1 electricity from the grid, and if they don't get electricity
2 from clean sources, such as wind, they will be getting it from
3 more strip mines, more oil wells -- either here or in other
4 countries.

5 I've seen these destructive sources, and I don't like
6 them. Environmental groups often say, Not here, not there, and
7 it's time to say developing wind on Redington Mountain is far
8 less destructive than developing mines and other types of power
9 plants elsewhere.

10 It takes days to pedal a bicycle past the destruction
11 through Kentucky and West Virginia. We can do better with
12 Redington wind.

13 Thank you.

14 THE CHAIR: Sally Iverson, is she here?

15 The next after Sally we have Jo Craemer. I believe
16 that's the pronunciation. Why don't you -- if you could get
17 yourself ready to go when Sally is done, that would be helpful.

18 Thank you.

19 MS. IVERSON: Good evening, Mr. Chairman and
20 Commissioners. I'm Sally Iverson. I live in Eustis, Maine.

21 I'm here to oppose this project. My husband and I
22 live on Eustis Ridge, and we are among those blessed with a
23 panoramic view of the mountains, including Redington and
24 Black Nubble.

25 We watch the leaves change, we watch the seasons

1 change. I'm an artist and I draw a sense of peace and
2 inspiration from that view.

3 I can't fathom looking out on these mountains and
4 seeing turbines that are as tall as 40-story buildings. I just
5 can't even imagine towers that high.

6 What I can imagine, though, is that these towers
7 would be a detriment to the mountains themselves, to the
8 wildlife, to the local folks whose economy depends upon hikers
9 and snowmobilers, tourists coming into our area. I can even
10 imagine these turbines would be a detriment to the value of my
11 property.

12 I'm also appalled that strangers among us are coming
13 into our area and ask this Commission to reverse an earlier
14 decision to protect our mountains. The reasons you came to
15 that decision initially are still valid.

16 And why do they want you to change that zoning? To
17 produce electricity the state of Maine doesn't even need.
18 Please deny Maine Mountain Power the permission to come in here
19 and desecrate our mountains.

20 Thank you.

21 THE CHAIR: I know we all want to applaud those folks
22 who are espousing your point of view, but we're gobbling up a
23 lot of time when you do that, and I don't think it serves a lot
24 of purpose. I appreciate that you would limit your
25 demonstrations in support or disapproval because that doesn't

1 serve any purpose at all for any of us.

2 If you want to say thank you to Sally afterwards,
3 that's quite appropriate. It just bogs the process down.

4 We have Miss Craemer and after her is John Dutton.

5 MS. CRAEMER: Good evening. Thank you,
6 Commissioners, Mr. Chairman, and for taking the time to come
7 here.

8 My name is Jo Craemer, and I live in Eustis, Maine.
9 Let me say at the outset that I think the concept of harvesting
10 the wind to create electrical power can be in the right
11 geographical and economic environment is a pretty nifty idea.

12 But I have serious reservations about the proposed
13 wind farm here in Maine. There are five items that I would
14 like to bring to the attention at this hearing.

15 First, my first point concerns the economics of power
16 generation. Electricity generated by these proposed wind
17 turbines will depend upon financial subsidies if it's to be
18 cost competitive. These subsidies paid for with my tax dollars
19 will be needed both to build windmills and to pay part of their
20 operating expenses for unending years in the future.

21 I strongly object to my tax dollars -- State or
22 Federal -- being used to produce electrical power that competes
23 with and is intrinsically more expensive than power generated
24 by Maine's existing eco friendly biomass and hydroelectric
25 plants.

1 Maine's existing generating facilities already
2 produce power in excess of our state's needs, and it is my
3 understanding that there are longstanding plans for more
4 biomass and hydroelectric plants to be built.

5 Power plants utilizing Maine's abundant biomass will
6 bring jobs to people who will be utilizing a renewable use
7 resource and will keep our forests cleaner, reducing risk of
8 fire, as well as reducing the emissions generated by natural
9 decomposition of wood trash left in the woods from lumbering
10 operations.

11 My second point concerns the proposed location of
12 this windmill project. I strongly object to the proposed site
13 plan for these wind turbines. It makes no sense to permanently
14 and drastically damage visually and ecologically one of our
15 state's most magnificent scenic areas.

16 The visual pollution will not be in our face 365 days
17 a year -- will be in our face 365 days a year, forever. The
18 power that these wind turbines produce will not be produced 365
19 days a year.

20 We're being told by the folks who are pushing this
21 project in our faces that the towers are capable of producing X
22 kilowatt hours. What we're not hearing from them is a
23 realistic statement of what will actually be produced.

24 Let me repeat this. I am not hearing from them
25 exactly what benefit we can expect in exchange for visual

1 pollution and habitat destruction that these turbines will
2 bring.

3 I want them to tell me now, not after the turbines
4 are built.

5 And this bring me to my third concern. I'm
6 astonished and I'm appalled that anyone thinks that these wind
7 turbines will be operational for any significant percentage of
8 the time.

9 First we have to deal with ice and snow. Those of us
10 who live here or who vacation here and those of us who ski or
11 snowmobile on the higher terrain, are well aware of the reality
12 of the heavy, thick incrustation of hard ice and snow on the
13 trees on all of our ridges. This is hard ice. It makes every
14 needle and twig of our trees sparkle with beauty. That
15 incrustation of frozen snow and ice will also build up on the
16 towers and blades of the wind turbines.

17 These blades are functionally comparable to the
18 propeller blades of an airplane or a helicopter rotor blades.
19 As a pilot, I know that ice accumulation means that you must
20 have a way to remove the ice from your propeller and your wings
21 and that ice accumulation does not come off evenly, not in
22 random chunks or there will be an imbalance that can cause
23 catastrophic damage.

24 These windmill blades have the same aerodynamic
25 imperatives. They cannot operate until the accumulation is

1 melted off to a safe level, and it won't take much accumulation
2 to be unsafe.

3 Ice can accumulate in many ways on the wind turbine
4 blades. Dry snow won't present much of a problem, but wet
5 sticky snow will, freezing rain will, ice fog will.

6 Ice fog is the stuff that forms from super cooled
7 water droplets in the clouds. When this super cooled liquid
8 comes in contact with turbine surfaces that are colder than 32
9 degrees, it will solidify into a coat of ice crystals known as
10 whore frost.

11 Another type of ice is rime ice, r-i-m-e, which forms
12 when freezing fog or moisture laden clouds come in contact with
13 the cold blades and towers and forms a continuous thick layer
14 of ice.

15 Who among you think the ice will melt quickly off in
16 the winter. Our temperatures will remain below freezing for
17 months at a time, especially at the altitude where the
18 windmills would be built.

19 Another factor is the wind speed. It's not only snow
20 and ice conditions that will impact the percentage of time that
21 these wind turbines can operate. There's wind speed to
22 consider as well: Too little wind, they don't operate; too
23 much wind, they won't operate. They need to be shut down for
24 operational safety reasons.

25 Wind speed is a factor 12 months of the year, not

1 just the winter. For example, the existing small towers, the
2 radio/telephone towers on top of Sugarloaf's peak, are
3 structurally engineered to support a 6-inch layer of solid ice
4 and they're designed to withstand wind speeds up to 150 miles
5 an hour.

6 Winds up on that peak routinely reach 60 to 70 miles
7 an hour, and it's not unusual for them to be higher.

8 These wind turbines may remain standing under these
9 conditions, but they most certainly would be shut down
10 operationally and at much lower speeds than these.

11 What happens when the windmills are not generating?
12 Will our houses go dark? No. Other generating plants will
13 have to pick up the load and they'll have to be ready to go at
14 a moment's notice. This means they have to stay powered up at
15 an operational level to take up the slack.

16 My fourth point, I have great concern that the
17 Mountain Power folks are drastically understating the visual
18 impacts of these wind turbines.

19 If you're driving to this area, for example, up
20 Route 27, Sugarloaf Mountain is first visible from about 10
21 miles east of Kingfield. We were coming home last Sunday, the
22 air was clear and crisp, and I could clearly see the three
23 small towers on Sugarloaf's peak. One is for the radio
24 station, WTOS-FM; the other two are for radio transmission used
25 for such things as police and emergency communications and for

1 cell phones.

2 I stopped and took several pictures from this
3 location and have attached them to my written statement, which
4 I will give to the Commission when I finish.

5 I also stopped in Kingfield and at Oh-My-Gosh Corner
6 to take more photographs as we drove home. These small towers
7 were clearly visible from every spot on Sugarloaf as we drove
8 home.

9 The windmills are not only tall. They're wider, they
10 have rotating blades and will draw the eye to them and will
11 flicker in the sunlight. There will be 30 of these huge
12 towers. If I can see these existing small towers from such
13 distance and from so many locations, how could even one
14 windmill, much less 30 of them, not be a huge visual feature.

15 The fact that you folks are here at this hearing
16 implies you have concern for and knowledge about the natural
17 world.

18 As a nurse, I would like to point out one interesting
19 fact. The human eye is naturally disposed to focus on
20 movement. You might not notice, for example, a bird perched on
21 a tree limb, but your attention will immediately be focused on
22 its movement when it takes flight. A small stationary cow will
23 not have much visual impact. Huge light towers with rotating
24 blades flashing in the sunshine or with warning lights at night
25 will almost certainly constitute a visual impact on our

1 wilderness.

2 My fifth and final point concerns trust and honesty.
3 I already have grave doubts that Maine Mountain Power has been
4 up front with us about the economic, ecological, and visual
5 impact of this project. My dad used to say that honesty isn't
6 a sometimes thing. You're either trustworthy or you're not.

7 I want an explanation of why Maine Mountain Power
8 thought it necessary to bus in supporters for the windmills
9 from coastal regions.

10 Why did they think it necessary to provide them with
11 free transportation, free food, a tour, as well as pens and
12 badges showing their support? Who are they trying to impress,
13 LURC? Us? Are they trying to overwhelm the local folks with
14 numbers?

15 If they're willing to indulge in such blatant
16 representations of support or this project, what else are they
17 doing to misrepresent to us?

18 I have attended some of the preliminary information
19 meetings about these wind turbines. The representatives proved
20 to be pretty darned evasive. When we asked them pointed
21 questions, they replied with answers about something entirely
22 unrelated.

23 The view from my house extends from the east slope of
24 the Bigelow Mountain Range to the west slopes of Saddleback
25 Mountain in Rangeley. I clearly see Sugarloaf, Redington,

1 Black Nubble Mountain, and all of the associated slopes and
2 ridges along this chain of mountains.

3 I really don't want to put these huge towers and
4 turbine blades flickering for miles along these beautiful
5 ridges, and I don't think most other people will want to
6 either. I especially don't want to forever destroy the fragile
7 beauty of this mountain area for dubious rewards that only line
8 the pockets of people from away.

9 Our mountains are a resource for Maine. They bring
10 tourists, they brings folks here for recreation of all kinds.
11 They attract property owners. This brings jobs, tax dollars to
12 Maine and to our local area.

13 The dubious benefits from the wind turbines aren't
14 worth the costs to our economy or our environment.

15 Thank you for your time and your attention.

16 THE CHAIR: Mr. Dutton, and following him there's --
17 I'm sorry, I can't read your last name. James from Alexandria,
18 Virginia.

19 MR. DUTTON: Hello, I'll be quick, I promise.

20 THE CHAIR: You've got to tell us who you are and
21 where you're from.

22 MR. DUTTON: Where am I from? I'm a Mainer.

23 John M. Dutton. I live in Portland, 16 Hawthorne
24 Street. E-mail, JMDutton@Maine.rr.com.

25 Hot in Sugarloaf? Wait a minute, rain and drain.

1 Rescued again by Maine. Keep it that way.

2 I am opposed to this thing. Thanks for letting me
3 speak here and saying this way, I feel more comfortable this
4 way. Is that all right with you folks? I have to hold on. It
5 comes with time.

6 PARTICIPANT: We can't hear you.

7 THE CHAIR: You have to speak into the microphone,
8 John.

9 MR. DUTTON: I'm against this windmill project. I'm
10 not against all windmills, just against putting 30 400-foot
11 windmills between Saddleback and Sugarloaf right beside the A
12 Trail, the Appalachian Trail.

13 Incidentally, these windmills are designed to stand
14 taller than the cable towers of the new Penobscot River Bridge
15 or the new Waldo-Hancock Bridge over the Penobscot to Verona
16 Island.

17 MMP's wind use plan is faulty on the face of it.
18 Just put in 30 400-foot windmills between Saddleback and
19 Sugarloaf right beside the Appalachian Trail. Incidentally,
20 the people who are building the bridge over the Penobscot are
21 two good Maine companies, Cincette Brothers from Pittsfield;
22 engineers are Reed & Reed --

23 THE CHAIR: John, this is a hearing about wind power,
24 not about the bridge down in Bucksport. Now please stick to
25 the subject.

1 MR. DUTTON: You want to tell me what to say? Go
2 right ahead.

3 THE CHAIR: I'm telling you to either tell us what
4 your objections are to wind power --

5 MR. DUTTON: Do you want to hear what I have to say
6 or what you have to say?

7 THE CHAIR: I don't want to hear about the bridge.

8 (To the audience) Okay, hold your hands up if you
9 want me to talk. Hold your hands up if you want me to talk.

10 THE CHAIR: John, please, I'm saying you have to
11 stick to the subject.

12 MR. DUTTON: Do you want me to talk or don't you?

13 THE CHAIR: I do. I'm happy to have you talk but I'd
14 just ask you to stick to the subject.

15 MR. DUTTON: May I talk?

16 PARTICIPANT: You've got three minutes.

17 THE CHAIR: You've got three minutes left, so go
18 ahead.

19 MR. DUTTON: You folks aren't that friendly, are you?

20 THE CHAIR: Well, we've got about 60 other people who
21 would like to say something.

22 MR. DUTTON: I know that. I promise to be quick.
23 You're not helping.

24 THE CHAIR: Go ahead and finish.

25 MR. DUTTON: How much time did you use? Can you add

1 that to my time?

2 THE CHAIR: Finish, please, John.

3 MR. DUTTON: Okay. Who am I to say these things?

4 Well, I'm a Mainer, born and brought up here with all those old
5 Maine biases.

6 How old? Let's just say I've got more road behind me
7 than ahead of me. At one time or another I've lived, worked,
8 travelled, fished, hunted in about every one of these 16
9 counties plus most of its ocean bays, fox holes, and all.

10 Like others I love this state. I want it to have a
11 special future. Maine needs to be special. It's always been
12 recognized as a special place for millions of people outside of
13 Maine, and once special places are gone, they're gone for good.

14 My family's been in Maine for generations. Does that
15 make us different? Not at all. Does Maine welcome others? Of
16 course it does. How did we all get here in the first place?

17 Being in Maine means respecting Maine. Do these MMP
18 people respect Maine, or do they just want to make a fast buck?

19 MMP says its power will light 40,000 homes. Are
20 those Maine homes? Don't be fooled. All of those electrons go
21 out of state into a multi-state electric grid.

22 Do you want a multi-thousand bulb electric entrance
23 in your home sending 30,000 kilowatts? I don't think so. Not
24 if even if the fire department is next door and not unless you
25 want new neighbors and friends very soon.

1 Are you okay?

2 THE CHAIR: Are you done?

3 MR. DUTTON: I've got another paragraph.

4 THE CHAIR: Go ahead. Please finish up.

5 MR. DUTTON: Energy is fast, very fast, as fast as
6 the wind blades turn the meters. What a nice way to collect
7 pay. Not many Mainers are that lucky. We can buy it back.
8 Why should we? The many times it cost to produce right here,
9 okay.

10 Finally, more seriously. Sorry, this is hard work
11 for me.

12 PARTICIPANT: I know.

13 MR. DUTTON: Finally more seriously, what lies
14 between Saddleback and Sugarloaf is not just any old view.

15 Whenever you come this direction, Black Nubble and
16 Redington stand out. You can easily see it from right here. I
17 know because I learned to stream fish right here. Where?
18 Well, the South Branch of Dead River, Redington Stream
19 Augerton, Perry, Nash Stream, and the Sandy River.

20 These peaks are also seen when climbing Crocker,
21 Bigelow, East and West Kennebago, Spotted Mountain, Snow Cap,
22 and so on.

23 These run right along the A Trail, and right below
24 the A Trail are many natural mostly wild townships.

25 Dallas, Davis, Lang, Bigelow, Cartland, Carrabassett,

1 Redington, Mount Abrams, Silas, Wyman, Madrid, and Sullivan,
2 each 36 square miles. Altogether more land than Rhode Island.

3 Spoil this place? I trust the answer is thank you
4 for your kind offer, but no. Again, thank you very much for
5 letting me be here. John Dutton.

6 MR. HUTZLER: Good evening, Commissioner Harvey and
7 the other Commissioners. My name is James Hutzler. I'm a
8 resident of Alexandria, Virginia and part owner of a summer
9 camp here on Oquossoc.

10 I'm an avid Appalachian Trail user and a volunteer
11 trail maintainer with the Potomac Appalachian Trail Club.

12 My grandparents came to the Rangeley Lakes region 90
13 years ago. They came for a very good reason, because it truly
14 was and still is God's country, pure and simple.

15 What you're considering here today is the question of
16 right and wrong and indeed good and evil. All of God's
17 wondrous creations must not be sacrificed to satisfy man's lust
18 to consume.

19 The sheer scale of this industrial installation
20 placed in what is perhaps Maine's most precious inland mountain
21 wonderland leaves me remarkably sad and bewildered.

22 Over these three days you will hear many facts
23 refuting the promoter's disingenuous propaganda. In the
24 simplest of terms, this massive industrial installation would
25 leave this place wounded and scarred forever.

1 Oh, beautiful for spacious skies, for amber waves of
2 grain, for purple mountain majesties above the fruited plain.
3 America, America, God shed his grace on me.

4 Please stop this madness.

5 THE CHAIR: Fred Hardy. Ed Miller will be the next
6 one.

7 MR. HARDY: Good evening, Mr. Chairman and members of
8 the LURC committee. I appreciate the opportunity to come
9 before you tonight.

10 My name is Fred Hardy. I live in the town of
11 New Sharon, which is also in Franklin County.

12 I have lived in the town of New Sharon for some 46
13 years and I'm a native of the state of Maine. I've lived in
14 Franklin County for all but nine years of my life thus far.

15 I am also a Franklin County Commissioner, although I
16 represent District II, which is Farmington, New Sharon, and
17 Chesterville, and I'm testifying here tonight on my own behalf,
18 not as a county commissioner.

19 I am also a retired dairy farmer, which makes me an
20 environmentalist, maybe not because I wanted to be but because
21 it's necessary to be able to keep a dairy farm going.

22 So I have nothing -- I'm not opposed to viewsheds, so
23 to speak, and I say to you tonight that that's basically what
24 this is mostly about is viewsheds. We've heard a lot of that
25 with the Saddleback issue, and it's about the aesthetics, and

1 somebody mentioned before here tonight that, you know, beauty
2 is in the eye of the beholder. I certainly agree with that.

3 I, myself, enjoy travelling in this area of Franklin
4 County from time to time and over the years. I'm very proud of
5 Franklin County overall. I certainly would not want to do
6 something to basically tear down this beauty, but I can't, in
7 my own opinion, see that these towers would be so devastating
8 to the views.

9 We've heard here before tonight -- and I'm sure you
10 will many times throughout -- about the global warming issue.
11 I have never been all warm and cozy to that idea, but at the
12 same time there appears to be some truth to it, and certainly
13 if we believe in global warming, wind towers are going to be
14 one way that we can produce electricity with a renewable source
15 which certainly won't contribute to global warming.

16 Oil depletion, I've heard for several years now that
17 we're on the down side of our supply of oil throughout the
18 world. We may have a fair amount of oil left in and around the
19 United States that they haven't drilled for yet, but sometime
20 in the distant future we won't have oil. Certainly I'm not
21 going to see that but looking down the road for our
22 grandchildren and their children.

23 Also, coal, of course, coal and oil both are very
24 polluting.

25 It was mentioned here once before tonight -- and I

1 had included this in my testimony -- the concern for this power
2 not being sold within Franklin County. I have had a couple of
3 discussions with Harley Lee from Endless Energy, and certainly
4 he assures me that we're going to get first dibs, and there are
5 people here who I'm sure that may not believe that.

6 However, that may be beside the fact that no matter
7 where this power gets used, the fact remains that we still
8 don't contribute to the global warming and the use of oil, the
9 depletion of oil and coal, wind certainly being a clean and
10 renewable source.

11 I -- just the other day thinking about coming in to
12 give testimony at some period in time, I was riding -- it
13 happened to be in the Madison area over the roads over there
14 where they're building a new greenhouse, see, so they put in
15 some extra poles for power generation, so as far as views are
16 concerned, I think if we hadn't got used to seeing all these
17 poles and hanging with the wire up and down the road, I'm sure
18 we would be upset about that.

19 The other thing I think is this beautiful setup that
20 we have on Sugarloaf Mountain. If we had some of the same
21 people opposed to any type of development 50 years ago, I doubt
22 this would be here, because who would want to look at all these
23 scars of clear cutting up and down this mountain, and yet it's
24 been a great facility.

25 I would just leave you with one thought. I thought,

1 putting testimony together, I thought as far as wind power is
2 concerned, if not us, who? And if not now, when? And if not
3 here, where?

4 Nobody seems to -- they don't want it here, but they
5 don't seem to say where they'd like to have it, just not have
6 it here.

7 Thank you very much.

8 THE CHAIR: Thank you.

9 Ed Miller. Neil Iverson is the next one on the list.

10 MR. MILLER: Chairman Harvey and members of the
11 Commission staff, my name is Ed Miller, I'm the CEO of the
12 American Lung Association of Maine. I'm here today to speak in
13 support of the Redington project.

14 Our organization's been around for almost a hundred
15 years with the mission of preventing lung disease and promoting
16 lung health.

17 Over those hundred years, we address what we consider
18 to be the most serious threats to lung health in the state of
19 Maine, starting off with tuberculosis and moving quickly to
20 tobacco, and air quality is now right at the top of that list,
21 specifically particulate air pollution, which, as I've told a
22 number of legislative committees, the more we learn about it,
23 the more dangerous it is.

24 Air pollution is a significant problem in this state
25 for everyone but especially for the 120,000 people in this

1 state who have lung disease. Combine that with one of the
2 highest lung disease rates in the country, and we have a
3 significant public health problem in this state.

4 Regardless of what happens with the Redington
5 project, in our Healthy Air Report that we issue each year, we
6 call attention to the two most significant air quality problems
7 in this state, and one of our serious recommendations is that
8 there be air monitoring in the western mountains. There is no
9 air monitoring here. That stuff that you see out there is not
10 just fog, it's air pollution, and we need to be determining how
11 serious it is.

12 We need to do everything we can to reduce air
13 pollution sources in Maine and the nation to the lowest levels
14 possible. Those sources are largely a result of our fossil
15 fuel energy and transportation systems.

16 They're the same sources responsible for global
17 warming. If nothing is done, the health risks to Maine people
18 will continue to increase. Doing nothing is not an option.
19 Corrective action will require a sustained and aggressive
20 combination of energy efficiency, conservation, and increased
21 clean fuel capacity, including solar, biomass, and wind.

22 Is the investment in clean energy here worth it?
23 Absolutely. We're spending over \$150 million on lung disease
24 alone in this state, much of that is contributed by our poor
25 air quality. We can't afford not to take action.

1 Wind power is viable, necessary, but undeveloped.

2 Maine's capacity to host wind farms is limited. Our
3 organization was very interested with the potential community
4 level wind power to meet more of our energy needs. Last summer
5 with our partners, Coastal Enterprise Institute, the Jedediah
6 Foundation, we sponsored a study to explore community-based
7 wind power. Included with my testimony is a summary of our
8 feasibility study.

9 We would hope that community windmills might become
10 as available and common as water towers in communities to
11 supply clean, reliable energy.

12 What we found even when looking at smaller wind
13 projects, only 15 sites in Maine have the right combination of
14 factors, including wind speed, to make community wind projects
15 a viable option.

16 Maine's best wind sources, as you've heard, are in
17 the western mountains and along the coast. Redington is one of
18 the few opportunities for large-scale significant wind power in
19 Maine. Given this reality, the need for Redington as a key
20 wind resource is magnified.

21 This is not just a local issue. All the people in
22 Maine have a stake in Redington because all people are affected
23 by air pollution. Even those of you who do not have lung
24 disease probably know somebody with asthma or other form of
25 lung disease.

1 Those people that hike are no different than the rest
2 of us. They are also susceptible to air pollution. In fact, a
3 study that was done among hikers in Acadia National Park found
4 that 50 percent of them had allergies. Many of them had
5 respiratory problems; 15 percent had high blood pressure and
6 hypertension, hypertension and heart disease, all of which are
7 affected by air pollution.

8 Unfortunately, it's going to take a lot more than
9 bringing Redington on line to break our addiction to fossil
10 fuel. Our organization will continue to support a project that
11 proposes healthier alternatives to coal, oil, and natural gas.

12 We realize that you must take many factors into
13 consideration in reaching your decision. But Redington is a
14 healthy air step in the right direction. The American Lung
15 Association in Maine urges your support.

16 Thank you very much.

17 THE CHAIR: Neil Iverson. You'll be followed by
18 Barbara Ulman.

19 MR. IVERSON: I thank you for the invitation and the
20 possibility of speaking to you tonight.

21 THE CHAIR: For the record could you state your name,
22 please, Neil.

23 MR. IVERSON: I'm Neil Iverson. I live in Eustis.
24 I'm retired, and I am opposed to this project.

25 Though we readily acknowledge the need for

1 alternative sources of energy in our nation, the proposed
2 development site of this wind farm is totally inappropriate.

3 The mountain peaks in question -- Redington and
4 Black Nubble -- are a treasure given to us millions of years
5 ago, a treasure to the thousands of hikers that come across the
6 Appalachian Trail, to the many tourists who come to enjoy
7 hunting, snowmobiling, and the fall foliage.

8 Most of all, these mountains are a treasure to those
9 of us who work and live in Franklin County and experience them
10 every day.

11 Back in the 1970s LURC zoned these mountains above
12 2,700 feet to be fragile mountain areas to be protected for the
13 future of Maine and all who come here to visit. That decision
14 by LURC expressed a wisdom and respect for one of Maine's most
15 valuable assets and resources.

16 The criteria that went into that decision years ago
17 exists very much today.

18 I live on Eustis Ridge with a clear view of these
19 mountains. Every fall many tourists and even some tour buses
20 climb the ridge for a view of that mountain foliage.

21 Many of these people stay at our local motels, they
22 eat at our restaurants, they contribute a substantial amount to
23 our local economy.

24 I've talked to some of these tourists because they've
25 come and they've turned around in my driveway. Tourists from

1 Massachusetts, from New Jersey, from Pennsylvania, and they all
2 make the same point: How fortunate we are here to have
3 unspoiled, underdeveloped mountains. Back home everywhere they
4 go it seems they see factories and malls and power lines and
5 urban development.

6 The windmills proposed for these mountaintops will be
7 over 400 feet high. That's taller than a 40-story building.
8 The destruction and devastation of these mountaintops resulting
9 from this project will be forever.

10 There is no one alive who will be able to restore
11 their natural state of beauty. That beauty, that treasure,
12 will be extinct.

13 I urge you to protect these mountains. Leave the
14 zoning restrictions in place and preserve these mountains for
15 our generation and for all the generations that follow.

16 Thank you.

17 THE CHAIR: Following Barbara is Duluth Wing.

18 MS. ULMAN: I'm Barbara Ulman. I'm a landowner on
19 Rangeley Lake. My family has been coming to the same place for
20 91 years. I have a deep and abiding love for this area, for
21 the beauty, for the peace, for the darkness at night, for the
22 animals and creatures that live here.

23 I'm very much opposed to this project. I've seen
24 similar projects in California, huge ones.

25 In my experience, about a third of the windmills are

1 working at one time. They break, they don't work. They're
2 still there on the land.

3 Bats and birds are killed by these windmills. I
4 understand that this company needs to prove that they will not
5 be killing wildlife. I don't think they have proved that. I
6 think they need to look at what they're doing and think about
7 what destruction they might be causing.

8 It's not that I'm opposed to alternate energy. I
9 really feel we do need an alternate to fossil fuels.

10 Solar power is cleaner and less dangerous, less
11 destructive, and it's available.

12 Wind power, in the right place, yes. The right place
13 is in the Great Plains. There is a power grid in the
14 United States.

15 The center of our country is huge and vast. A wind
16 power plant there would not destroy mountains, they wouldn't
17 have to level the tops of a whole ridge -- which I've heard is
18 what is planned -- in order to put up wind turbines. If they
19 must do it, it should be done there where it's not obscuring
20 beautiful views -- or changing beautiful views I should say.

21 I think someone else mentioned that the wind isn't
22 predictable or steady enough to always have the wind turbines
23 working, which means that the fossil fuel plants will always
24 have to be fired up. This doesn't save us much in the way of
25 energy.

1 I come to this area from the Rangeley region fairly
2 often. We come to restaurants in Eustis and Stratton. We do
3 some hiking on the Appalachian Trail and some of the other
4 trails outside of the Stratton area.

5 I believe that it would be a desecration to the land
6 to create an industrial site here, which is what is proposed.

7 I also understand that Edison Power, which is a
8 partner in this, is not always green. I know that they have
9 many very highly polluting plants, so to be touting themselves
10 as a green source of energy is a very partial description of
11 what they actually do.

12 The minuscule reduction in the use of fossil fuels
13 that this plant might produce is not worth the destruction that
14 it would cause to the view and to the animals.

15 Also the fact that it will be lighted at night is an
16 insult to the residents of the area, and destruction to the
17 animals that require it dark at night. There are many
18 nocturnal animals whose habitats are very much disturbed by
19 lighting at night of this kind.

20 I feel that in respect for the people and other
21 animals and the scenery, that this project should be definitely
22 and resoundingly defeated.

23 Thank you.

24 THE CHAIR: Duluth. Following Duluth is Davis from
25 Rangeley. I'm sorry, I can't read your last name, but if

1 you're here, you're next.

2 MR. WING: My name is Duluth Wing. I'm opposed to
3 the project of rezoning any of Maine's mountains. My message
4 tonight is for LURC and all concerned.

5 In 1950 the people of Dead River Valley lost their
6 homes, their jobs, their way of life when the Central Maine
7 Power Company proved to us that our value would be a huge lake
8 to generate electricity.

9 We were hoodwinked, hoodwinked by a large concern in
10 the name of electricity. They didn't even put generators in
11 the dam that created such havoc.

12 Apparently they didn't need electricity then, nor do
13 they need it now as they are exporting it at a loss to be used
14 in other states.

15 If we could have had LURC in those days, a hearing
16 such as this might have prevented such havoc.

17 We were hoodwinked again when the proposed energy
18 shortage of the '70s dropped us the Stratton Biomass.
19 Apparently CMP signed a long-term contract with them, and I am
20 told now that the reason our rates are so high is because of
21 the biomass contracts.

22 Again, a large firm from out of state is selling us
23 power we don't need at a higher rate. Come on Mainers, stand
24 up and be counted. Save Bigelow.

25 And another thing, these large concerns from away

1 will tell you anything to get their foot in the door, then
2 change their promises. For example, the biomass people
3 promised us to burn only clean forest products. Their smoke
4 stack would emit only white steam, yet at present they are
5 burning out-of-state demolition.

6 The blue smoke from the smoke stack is observed every
7 morning as it covers the valley. It's very evident to me that
8 when any large industry utilizes our resources, they will
9 change their minds later to their advantage, and I strongly
10 feel that if we let them disfigure two mountaintops today, we
11 will be hard pressed to prevent wind towers on many more of our
12 Maine mountains.

13 Again, it is our loss all in the name of electricity
14 for out-of-state consumption.

15 In my 38 years as a forest ranger, I have spent many
16 days in lookout towers on these nearby mountains. I can
17 truthfully attest that there are many days when there is no
18 wind, and there are many days when the wind is so strong that
19 the turbines would not be able to operate.

20 In the five long months of winter, there is rime ice
21 forming on our fire towers to the point that it breaks them
22 apart. Rime ice is frozen cloud material present at most high
23 altitudes.

24 During these down days, the wind power people must
25 purchase electricity to fulfill their obligations, which no

1 doubt would come from water power or other sources.

2 So why not just put generators along those dams and
3 many of the other places if we are obligated to furnish them
4 power?

5 I fail to see what anyone can demonstrate a need for
6 more power to the extent that our valuable mountaintops must be
7 disfigured.

8 Come on Mainers, stand up and be counted. Let's tell
9 them that our Maine mountains are zoned protected areas, and
10 that is the way they will remain.

11 Thank you.

12 THE CHAIR: Davis. After Davis is Jon Crasnick.

13 MR. WURTS: My name is Davis B. Wurts, PA. I'm a
14 resident of Rangeley. I'm very much interested in the effects
15 of the proposal.

16 I copied off a couple of paragraphs of the letter I
17 sent earlier just to save time.

18 There is more at stake in this petition than the mere
19 deprecation of scenic wilderness views and a potential
20 depreciation of tourism-generated economy in these beautiful
21 mountains of Maine.

22 Many local residents and visitors from near and far
23 enjoy the wilderness in our midst and do not choose to align
24 themselves with those who profess to speak on our behalf
25 regarding the potential intrusion of any development into that

1 wilderness.

2 Many such persons appreciate the good works done by
3 the trail maintenance organizations but do not wish to become
4 members of those organizations for financial or legal or other
5 personal reasons.

6 The good works duly recognized include trail
7 maintenance by clearing, marking, erosion control, publication
8 of trail descriptions and maps, sharing the use of many
9 association properties, and publishing caveats of dangers to
10 life and limb presented by inauspicious use of the wilderness
11 and access facilities.

12 The beneficiaries of these good works generally do
13 their best not to add to community problems and frequently
14 contribute physical effort in the good works I've cited.

15 Hikers include those outfitted with mere tennis
16 shoes, boating shoes, lightweight sandals, and loafers, and not
17 always the best of foot and ankle protection offered by the
18 ultimate sports outfitters.

19 I have even witnessed the youth of the Penobscot
20 Nation running barefoot through Franklin County woodlands with
21 both toughness and perseverance.

22 Local hikers and through hikers alike do not find
23 historical intrusions into the wilderness offensive. The
24 Wildcat Ridge Trail in the White Mountains passes about 15 feet
25 from the uphill sheath of the gondola lift system.

1 The presence of abandoned ox nooses, ancient stage
2 coach roads, and logging routes unite natural and civilized
3 elements. Enthusiastic hikers welcome these reality breaks
4 from the inspiring monotony of natural wildlife.

5 Hikers will find much wilderness on and close to the
6 trails. Nature abhors the backyard and also as you leave the
7 developments unincreased, the wilderness will soon return.

8 I have talked with Rangeley residents who have
9 visited the wind towers on the northwestern portion of Prince
10 Edward Island. They have reported that the slow motion and
11 restful whoosh sounds at close range are very comforting.

12 Visitors are also delighted with the information
13 centers maintained for tourists at this site. The windmills in
14 the Netherlands and in Colonial America have generated tourist
15 traffic.

16 We need alternative energy sources. Global warming
17 and increasing prices for energy generated from fossil fuels
18 are distressing. Nuclear energy has horrendous disposal costs.

19 I would like to comment on the visual aspects of
20 these towers as we've seen in pictures presented this evening.
21 I find them much less offensive than endless residential
22 development and endless construction of condos.

23 I thank you for your attention. I will give a copy
24 to someone over here.

25 Thank you.

1 THE CHAIR: Thank you, Duluth. Jon Crasnick, is she
2 here? Jon, I'm sorry. Following John is Nick Whittemore.

3 MR. CRASNICK: Good evening, my name is Jon Crasnick.
4 I'm from Portland, Maine, and I'm the executive director of an
5 organization called Democracy Maine, a nonprofit also located
6 in Portland.

7 Democracy Maine was founded about a year ago, and as
8 a mission of exposing and challenging political extremism and
9 its effect on Maine's ability to work towards and find
10 solutions to challenges that it faces, we've come to view
11 battling of the environment as a battle of extremes, and we see
12 this proposed projects as compromised and a viable new option.

13 I thank the LURC Commission for allowing me to speak
14 tonight.

15 Along with many Maine citizens, Democracy Maine is
16 alarmed by the increasing and undisputed evidence that global
17 warming is affecting our world, dramatic consequences.

18 Also, like many others, I personally have often felt
19 a sense of helplessness in the face of this problem. However,
20 this sense of inevitability about global warming is our greatest
21 threat, for it wrongly implies that nothing can be done, when
22 in reality we can all do a great deal to avert the results that
23 global warming experts fear.

24 So when our state is presented with an opportunity to
25 address local climate change and reduce our dependence on

1 foreign energy sources, Democracy Maine is an enthusiastic
2 supporter.

3 The energy producing capabilities of this project
4 should not be of numbers, they are a large bite out of Maine's
5 production of global warming gases and represent a direction
6 where we must head to reverse the harmful effects of carbon
7 dioxide on our planet.

8 There are no silver bullets to reverse global
9 warming, but this project will help reduce emissions.

10 Global warming produces CO₂, which causes heat waves,
11 droughts, smog, and asthma, rising sea levels, and coastal
12 flooding, reduced maple syrup production, and risk of viability
13 of the ski industry here at Sugarloaf, Saddleback, and Sunday
14 River.

15 The benefits of this project to both Maine's
16 environment and the economy greatly outnumber its risks. The
17 biggest objection to this project appears to be the visual
18 effect from the Appalachian Trail.

19 However, I would applaud seeing a wind farm because
20 it would indicate a rational and environmentally friendly
21 source of energy. Obviously some might disagree, but in order
22 to overcome the overwhelming issue of global warming, we are
23 going to have to make sacrifices, even in our own backyard.

24 To quote a recent editorial from the Portland Press
25 Herald written in support of this project, [quoted as read] If

1 we're going to get serious about wind power in Maine, we're
2 going to face tough choices.

3 It's already been said that it's an inconvenient
4 truth that our society must locate windmills where the wind
5 blows, and there are limited number of sites where the wind
6 blows consistently and as strongly as Black Nubble and
7 Redington.

8 Some have asked why the project cannot be operated
9 from only one mountain. There have been environmental groups
10 that have been advocating proceeding with only the Black Nubble
11 portion of the project. That would be less economical and
12 would virtually kill the project.

13 Democracy Maine was founded by several individuals
14 possessing a wide range of knowledge and experience in
15 political, business, and energy issues, and after our own
16 internal analysis, we have concluded that the Black Nubble-only
17 approach is an unreasonable option. It does not take into
18 account the economics surrounding the wind power project.

19 What LURC does here will indelibly describe a path
20 forward for Maine. Do we do what we know must be done or do
21 we, like other states in the nation, stand back and wait for
22 others to act while the glaciers and ice caps continue to melt.

23 In conclusion, Democracy Maine respectfully urges you
24 to choose the lesser of the competing harms, which is a wind
25 project that will help determine the future of our planet and

1 indeed the role of the state of Maine and that cause.

2 Thank you very much.

3 THE CHAIR: Nick Whittemore, is he here?

4 Following him I have Scott Samuelson. I don't know
5 if they plan to testify or not.

6 MR. WHITTEMORE: Okay, good evening, gentlemen. I'm
7 Nick Whittemore, and I live in New Sharon, lived there for 35
8 years.

9 I'm an investor in Redington Mountain wind power,
10 which is affiliated with Endless Energy, and I'm a farmer down
11 in New Sharon on the other side of town from Fred Hardy.

12 I agree with Fred, you can't be a farmer without
13 being an environmentalist.

14 I've been planting crops down there since 1983, and
15 things went along pretty well until about 1990. The weather
16 did what it was supposed to and was reasonably predictable.

17 But 1990 and later things changed. There was more
18 rain, there was more drought, there were more insects, there
19 were more weeds, and my land is right on the Sandy River, which
20 used to occasionally flood in the spring and now it can come up
21 any time.

22 I believe that these are problems that I have
23 experienced that are directly related to global warming and
24 it's right here in Franklin County.

25 We have Japanese beetles, which never used to be

1 around, and other bugs that have come in that used to only be
2 to the south of us.

3 So I think that we have a very real problem here in
4 Franklin County, and I think there is a need for the problem of
5 carbon dioxide and other emissions that are going into our
6 atmosphere to be addressed.

7 Sunday in the Portland paper there was an article
8 about how pollution from China is now coming across the Pacific
9 and has been detected in California.

10 Now, we can't do anything about what's going on in
11 China and probably we can't do anything about India, and we
12 have so far had very little effect on the coal plants in the
13 central part of this country.

14 But we do have a chance here to do something in
15 Franklin County, right here, to do our part to address the
16 problems of global warming, and we have an opportunity to
17 generate clean, renewable energy right here.

18 Now, I'm well aware of how pretty it is up in
19 Carrabassett Valley and all those mountains. I've hiked them,
20 I've skied them on cross country skis, I've snow shoed, I've
21 snow mobiled, I go through there, and I don't need to be
22 convinced.

23 But in 2000 I took a snowmobile trip around the Gaspé
24 Peninsula, and some of you may know that in the north central
25 part there's a wind farm near Cap-Chat, I think it is, and the

1 trail goes right through that wind farm.

2 Now, I was very excited to see that and the weather
3 was kind of drizzly, it was around freezing, foggy, but there
4 was enough wind coming off the St. Lawrence so that the blades
5 were turning. We went right in there and the Gaspé is
6 beautiful, and I'll tell you, I didn't mind seeing that wind
7 farm along the snowmobile route.

8 And I feel the same way about this project up on
9 Redington, that I would be willing to sacrifice a certain
10 amount of the view in order that we can have some energy
11 independence and freedom from being jerked around by the OPEC
12 people and the instability in the Middle East, in Africa, all
13 over. There's seems to be no way out.

14 Periodically I get a breakdown in the mail with my
15 electric bill. Probably everybody gets one of those things. I
16 don't know if you read it or not, but I look at it from time to
17 time.

18 Now, 30 percent of that electricity is supposed to be
19 renewable, and we get zero from wind right now, something like
20 7 or 8 I think from hydro, some from biomass, and then there's
21 cogeneration. They have to throw that in there, which means
22 that there's energy being produced that comes from non
23 renewable sources.

24 I'd like to see that 30 percent come completely from
25 renewable sources. And you go further down and see where our

1 electricity comes from, and nuclear, it's very dirty. That's
2 one of the big suppliers. Coal, oil, that's it, okay.

3 Anyway, I'm in favor of this project, and I hope that
4 you Commissioners give it thorough consideration, and I hope
5 you pass our permit. Thank you.

6 THE CHAIR: Is there a Scott Samuelson here?

7 After him is Steve Barr. Somebody wrote these all
8 with the same pen and it's the same handwriting. Is there a
9 whole group of you here who are going to testify?

10 MR. SAMUELSON: Well, I came by myself but somebody
11 did sign that for me.

12 THE CHAIR: Steve Barr is next if he's planning to
13 testify.

14 MR. SAMUELSON: Thank you for a couple of minutes. I
15 appreciate the opportunity. My name is Scott Samuelson and I
16 live in Freeport, but I've spent probably the last 20 winters
17 as a weekend warrior up here with my family.

18 We are skiers, we hike avidly through the summer in
19 this area, and we certainly feel it's one of the most beautiful
20 places in the entire world.

21 In addition to that, I have the utmost respect for
22 Maine Audubon and the Appalachian Mountain group. I certainly
23 respect their opinion on this issue.

24 I also believe that we're at a crossroads right now
25 with decisions about some crossroads in our society that we

1 have to make some very profound decisions about energy use, and
2 I feel as though after doing some research and reading
3 materials such as The Weather Makers and The Final [sic] Hours
4 of Ancient Sunlight, I think that our addiction to burning
5 fossil fuel is creating an environmental problem that will
6 dwarf all other environmental problems in our lifetime
7 probably, most certainly, in the lifetime of our children.

8 So I think -- I come before you today and over here
9 tonight simply to say that I would urge you very -- first off,
10 I don't envy you making this decision because I realize that
11 there's two completely legitimate sides of this story, but I
12 urge you to help Maine be a leader in terms of global -- of
13 alternative energy, and certainly one day I would love to be
14 able to ski and hike in this beautiful region and look out on
15 to what I consider graceful windmills and know that we're doing
16 our very small part for larger global warming issues in this
17 world and perhaps be sure that there is going to be some snow
18 for our grandchildren and children to enjoy this area as we
19 have.

20 Thank you very much.

21 THE CHAIR: Thank you. Marguerite Pennoyer. I'm
22 just giving somebody a warning over there that they're next.

23 Go ahead, Steve.

24 MR. BARR: My name is Steve Barr and I appreciate the
25 chance to speak before the Commission tonight.

1 I'm a physician practicing in Portland and I've
2 worked for three years with the US Public Health Service in
3 New Mexico prior to arriving here in the state seven years ago.

4 However, my roots in Maine are deep, as the Merrill
5 side of my mother's family has been in Maine since the mid-18th
6 century.

7 I'm a board member of my local land trust, and I've
8 been a member of the AMC for 18 years, and a regular
9 contributor to the Natural Resources Council of Maine.

10 I enjoy hunting, hiking, fishing, swimming, foraging
11 for mushrooms, canoeing, organic bee keeping, and gardening,
12 and skiing here in Maine. I live with my wife and three
13 children in an old farmhouse which is heated primarily by wood.
14 I also stand solidly in favor of this project.

15 In the spirit of full disclosure, I'm also an
16 investor in this venture. You may not realize that this is a
17 project built with the hard work of many local Mainers in an
18 effort to make our state more independent in its energy profile
19 while at the same time promoting long-term renewable energy.

20 The capital behind Endless Energy comes from small
21 Maine investors living in Maine, caring about Maine, willing to
22 put their money on the line to make a difference.

23 In due deference to what Jo Craemer and Duluth Wing
24 said earlier, we are Mainers. We are here, and we want to make
25 a difference for our state.

1 My great, great grandfather Alias Merrill, a Bangor
2 native, served in the Civil War as pay master for the union
3 troops under Abraham Lincoln.

4 Alias started the first bank there in 1871. Before
5 that he was treasurer of the Penobscot and Kennebec Railroad.
6 Much of the financing that underlaid that railroad and later
7 the Merrill Trust Company came from local Bangor natives who
8 handed over some of their hard earned savings as risky seed
9 capital for the ventures in that growing city. They invested
10 in their community and led Bangor to be one of the most
11 prosperous cities in the United States at the time.

12 PARTICIPANT: (Interrupted speaker) This is not about
13 windmills.

14 MR. BARR: With a relatively small group of local
15 Maine investors, Endless Energy has scabbled together enough
16 capital to do research, the environmental due diligence, and
17 the hard work to make sustainable wind power energy a reality
18 here in Maine.

19 This has not been easy. This project has been in the
20 works for over 15 years.

21 We selected Black Nubble and Redington Mountains
22 because the wind blows up there. It's close to existing power
23 lines, and there are already many logging roads in the area
24 already.

25 Our data suggests that when up and running, our wind

1 farm has the potential to be the most efficient wind farm
2 presently operating in the world.

3 Yes, there will be some impact, but I believe it will
4 be minimal and well worth it to save 800,000 pounds of
5 pollutants a day.

6 We'll save money for Mainers in the long run. We'll
7 have a local source of power with a fixed cost not dependent on
8 the Middle East for oil and gas.

9 We'll create good paying jobs. We'll add to our
10 independent streak. Hey, maybe we'll put out business those
11 antiquated power plants upstream that pollute our Maine land,
12 poisoning our children's heritage.

13 For the NIMBYs here in Maine I say, yes, please put
14 this project in my backyard. This is good for Maine now and
15 good for our future in every way.

16 Thank you for your time.

17 THE CHAIR: Thank you, Steve.

18 Following Marguerite will be David Endrizi. I'm
19 sorry if I'm not pronouncing that right.

20 DR. PENNOYER: My name is Marguerite Pennoyer. I'm
21 doctor specializing in asthma and respiratory diseases.

22 My concern centers around the increasing threat that
23 we all face from exposure to carbon-based fuel.

24 My message is a simple one but it is such a critical
25 issue that we all must address. As a physician I feel I must

1 entreat you to consider this project.

2 Thank you very much.

3 MR. WRIGHT: Marguerite, where are you from?

4 DR. PENNOYER: I'm from Portland, Maine.

5 THE CHAIR: Pamela Dickey Tifft, T-i-f-f-t I think or
6 "i," I'm sorry. I'm having a hard time reading some of the
7 writing. You're next, anyway.

8 MR. ENDRIZI: My name is Douglas Endrizi. I am no
9 longer a student at Scarborough High School, I just graduated
10 this year. I was vice president and one of the cofounders of
11 the Environmental Club of Scarborough.

12 For the past three years, I've given up my Friday
13 afternoons. I've spent two hours at school, which on a Friday
14 afternoon at the end of a long week for a teenager I think is
15 significant, three years running, and we come to the club with
16 60 members, and every Friday we recycle about 500 pounds of
17 paper and 2,000 bottles. In the total of those three years, we
18 have recycled 100,000 pounds of paper and almost a million
19 bottles.

20 Yet, I can give up my Fridays for the next thousand
21 years and I wouldn't make the same contribution that this wind
22 farm can make in a day and a half.

23 Sometimes I feel so helpless as just an individual in
24 Maine and here I am speaking about it. This project is very
25 important.

1 On a separate note, a speech on diversity and what
2 this project could really save for the world.

3 As the temperature of the world increases, because it
4 is increasing, it provide a phenomenal impact on species in
5 ways that we don't fully appreciate.

6 The directional selection it implies on species is
7 really incredible. We don't properly appreciate how much it
8 changes the gene pool. We need to realize that species is a
9 finite resource, just like we treat coal, oil, and fossil
10 fuels.

11 When you increase the temperature, you increase the
12 ways that species reproduce, for example, interrelated systems
13 like caterpillars, they mature and develop according to a the
14 weather cycle and temperature cycle. As it increases, it
15 pushes it earlier into the year.

16 While other species are dependent on it, like some
17 birds can't cope quite as quickly, so it creates a very strong
18 directional selection.

19 And that -- because there's just so many changes
20 related to it, reducing the gene pool can make species very
21 much more susceptible to certain diseases and many other risk
22 factors.

23 As the world warms, it affects every single species
24 around the world. So here we are, we have these wind farms
25 going in, and yeah, they can affect some species of birds and

1 raptors, and there are some species in there that will be
2 directly affected, people are worried about.

3 We need to realize that if these wind farms don't go
4 in and our society doesn't start changing in this way, it's
5 going to affect every single species around the world.

6 In closing, I would like to say that the
7 environmental group has 50 kids, and we would like to say that
8 we are strongly in support of this project.

9 Thank you.

10 THE CHAIR: Thank you. Is Nicol going to testify as
11 well?

12 MS. TIFFT: Nicol, actually.

13 THE CHAIR: Oh, I'm sorry.

14 MS. TIFFT: That's okay. A lot of people make the
15 same mistake.

16 Good evening. Since there's been a lot of talk about
17 Mainers, for the record, I'm a fifth generation Mainer having
18 grown up at my great grandparents' farm in Embden, my
19 grandfather's farm in North Anson, and then my family's home in
20 Skowhegan. I have lived in many towns in this state these past
21 53 years, and I now reside in North Saco.

22 I'm also a member of the first generation in our
23 family to have had running water, an indoor toilet, and
24 electricity my entire life.

25 My ancestors were frugal Yankee farmers whom

1 sociologists titled "rural poor." Far from poor in a
2 nontraditional sense, harnessing and/or using natural resources
3 in a sustainable way was second nature.

4 On my grandfather's farm there was an old metal
5 windmill that was used to pump water from the spring to the
6 barn, so I grew up understanding the use of wind as one of our
7 many renewable resources.

8 In 1975 I attended a lecture by R. Buckminster Fuller
9 at the College of the Atlantic. During his presentation he
10 stated in so many words that we have ten years to make
11 significant changes on this planet or we were headed down a
12 path of planetary destruction that would be difficult, in fact,
13 nein near impossible to turn around.

14 That ten years ended in 1985. Since 1985 I have
15 witnessed people of my generation having larger families,
16 building bigger first and second homes, driving larger vehicles
17 that get horrible gas mileage, and owning numerous recreational
18 vehicles.

19 The warning signs continue to present themselves.
20 Glaciers are melting at an unprecedented rate, polar bears are
21 drowning. We're experiencing huge storms, more tsunamis, and a
22 rising water level all over the world.

23 And yet, here we sit bickering over whether or not
24 wind towers are a blight on the horizon with the
25 "not in my backyard" attitude, or that they may endanger the

1 ecology of subalpine environment.

2 Has anybody read lately what's happening in the Cloud
3 Forest of Peru? These forests are home for more species of
4 birds than Canada and the US combined, and yet we get tunnel
5 vision on this one little area of Maine and seem to forget the
6 far greater impact that wind power will have on the entire
7 planet.

8 Have you ever seen the Lathisi Plateau in Crete,
9 Greece? For hundreds of years these Cretians have harnessed
10 the wind to irrigate their land using canvas sails, and the
11 first time I saw a modern wind farm on South Point in Hawaii, I
12 was awestruck.

13 From the ancient wisdom to the modern, wind power has
14 been and continues to be a magnificent energy solution for our
15 planet.

16 We should be celebrating the fact that we have this
17 amazing capacity and someone who has dedicated so many of his
18 human resources to make this wind farm a reality.

19 This wind farm is not only good for Maine and the
20 people of Maine, it is also a huge positive step forward for
21 this planet and all of its inhabitants.

22 Thank you so much for your time.

23 THE CHAIR: Burt Weymouth will follow.

24 MR. TIFFT: My name is Nicol Tifft. That was my
25 wife, and I also wanted to point out what she didn't, which is

1 that we are one of those small investors in Endless Energy. We
2 invested in 2000 way before the price of gas was \$3 a gallon.
3 It's something we believe in and continue to believe in.

4 There have been very many eloquent points made, but
5 what I'm left with -- I guess I'm not going to read off from my
6 prepared text.

7 I'm also a chairman of the Saco Valley Land Trust,
8 and I spend a lot of my time opposing developments, so I
9 understand that fear, that cynicism that a development presents
10 to the public, because quite often I'm in that position of
11 opposing yet another development in southern Maine.

12 But I think we need to look at the larger picture
13 here and realize that this particular project is for the good
14 of humanity and it needs -- I just was thinking about where
15 would the snow -- where would these mountains be without snow
16 making?

17 I think when we were kids there was snow on the
18 mountains. They are still viable. I ski once a week on
19 Pleasant Mountain, and without snow making, there would have
20 been no skiing this year.

21 I think this is an indication of global warming.

22 But I briefly want to say that I'm -- the only
23 solutions I see for global warming revolve around wind energy
24 and solar energy, and we can't miss this opportunity to be a
25 leader in the state of Maine.

1 Thank you.

2 THE CHAIR: Thank you. Burt Weymouth.

3 MR. WEYMOUTH: Good evening. My name is Burt
4 Weymouth. My home is in Freeman Township and it's located
5 about eight miles from Black Nubble, which puts it in full view
6 through my kitchen window.

7 Since the age of 4 I have been a resident of Franklin
8 County. As a boy I've enjoyed hunting, fishing, and other
9 outdoor activities in this area.

10 In recent years I have also enjoyed making ATV trips
11 to other portions of the county. I've especially enjoyed rides
12 near Rapid Stream, which provides drainage for the basin
13 between Mt. Abrams, Sugarloaf, and Black Nubble. It is area of
14 unsurpassed natural beauty with unbroken vistas of forest land
15 and unblemished mountaintops.

16 During my 28 years of active service in the Navy, I
17 have seen many parts of this world and scenic landscapes, which
18 I will never forget.

19 None of them, however, are equal to those in northern
20 Franklin County, specifically right here in Kingfield and
21 Carrabassett Valley.

22 Throughout my service I remembered my youthful
23 experiences here and looked forward to retirement when I could
24 resume living in Maine and living life as it should be.

25 I will admit right here, though, that I am not

1 against wind power or supporting Maine's generating wind power.

2 That is not to say, however, that it should be
3 employed without due consideration of lots of other factors,
4 not the least of which is the irretrievable loss of natural,
5 geographic, and aesthetic features.

6 It is indeed a shame when outside organizations who
7 have no interest in this area other than the almighty dollar
8 are willing to sacrifice these features for the benefit of
9 their bottom line.

10 There are numerous other regions of Maine where 30
11 windmills could be located and a loss of natural features would
12 have less impact.

13 These comments in opposition to the wind farm
14 proposal are offered tonight as reflecting my own sincere
15 thoughts and beliefs. I have not been influenced by offers of
16 free meals, transportation, or other items that are enticing me
17 to be here tonight.

18 I urge the Commission to reject this application on
19 the basis that there are other more appropriate sites in Maine.

20 Thank you for the opportunity to discuss it.

21 (There was a break in the hearing at 7:56 p.m. and
22 the hearing resumed at 8:04 p.m.)

23 THE CHAIR: Ruth Taylor. Before we begin here, I was
24 reminded by one of our folks that the names of folks who came
25 in after they had planned to testify but came in after we had

1 the mass swearing in, so are there those of you who want to
2 testify who didn't get sworn in? If there are, I would
3 appreciate it if you would stand up, and is there anybody else?
4 Just two people? Where are the other two? Somebody said there
5 were four.

6 (PARTICIPANTS SWORN EN MASSE.)

7 THE CHAIR: Now, we left off with Ruth Taylor. Is
8 she here?

9 MS. HASKELL: I'm actually reading for Ruth Taylor,
10 which I'll give to you.

11 THE CHAIR: After her is Dudley Greeley.

12 MS. HASKELL: Hi. Thanks to the Chair and to the
13 Commissioners for being here and for the opportunity to speak.
14 I appreciate it.

15 My name is Corey Haskell, and I'm actually reading a
16 letter for Ruth Taylor who, because of her health, could not
17 make the trip up here; but I would like to read her letter and
18 I'll give you a copy.

19 It says: [Quoted as read] To the members of the Land
20 Use Regulation Commission regarding the Redington Wind Farm
21 Proposal.

22 As a long-time member of the Natural Resources
23 Council of Maine and the Sierra Club, I regret that I cannot be
24 with you in person at the hearings regarding the Redington Wind
25 Farm; however, I hope you will give serious consideration to

1 the content of this memo, which represents a great deal of
2 contemplation since I am a strong environmentalist.

3 The Portland Press Herald's editorial, July 29th,
4 2006 titled, "Redington Wind Farm: A Step Towards Maine's
5 Energy Future," states, "The biggest objections seem to be the
6 visual effect from the Appalachian Trail.

7 "The wind farm will be visible from the Sugarloaf USA
8 ski area and from high points along the section of the trail
9 prized for its rugged and remote feel."

10 The people who ski Sugarloaf Mountain and climb the
11 Appalachian Trail do not want those uplifting and spiritual
12 experiences dampened; however, if the global warming continues,
13 it is certainly -- it is certain that all the plants, including
14 all the beautiful trees, all the animals -- including the bog
15 lemming, Bicknell Thrush, and even man can be destroyed. Then
16 there would be no Sugarloaf USA or Appalachian Trail.

17 We live in a new and dangerous age. We need to feel
18 a sense of spiritual sustenance by the sight of the wind towers
19 themselves, which serve us all by combatting the disastrous
20 global warming, which, if unchecked, will eventually destroy
21 the entire planet.

22 We need to view these wind towers that stand high and
23 tall as a positive symbol that the earth can be saved. We need
24 to be grateful that in Maine we have tall mountain peaks and
25 strong wind areas to use these turbines to their best

1 advantage.

2 Those who ski Sugarloaf or climb the Appalachian
3 Trail should acknowledge that the wind towers, by combatting
4 global warming, will be a big factor in preserving the sacred
5 beauty and environment of Sugarloaf and the Appalachian Trail,
6 which we now enjoy.

7 Global warming is in our own backyard and time is of
8 the essence. The Redington Wind Farm should be approved and
9 appreciated.

10 Sincerely, Ruth E. Taylor, South Portland, Maine.

11 Thank you.

12 THE CHAIR: Thank you. Dudley Greeley. Following
13 Dudley is Nancy Artz.

14 MR. GREELEY: Just as Mainers --

15 THE CHAIR: Your name and residence for the record,
16 please.

17 MR. GREELEY: My name is Dudley Greeley. I'm a
18 Mainer from Cumberland.

19 Just as Mainers welcomed the construction of light
20 houses on our beloved shores in centuries past, it is my hope
21 that you will, if not welcome, permit this project to proceed.

22 As you heard earlier from a student from Scarborough,
23 even constructively engaged civic minded students often feel
24 ineffective, helpless, and perhaps most dangerously a serious
25 sense of hopelessness.

1 The enormity of the scale of the past we and future
2 generations face is indeed daunting, but we have choices and
3 work that we can and may do.

4 As some of you may have already read, the
5 conservative news weekly, Time magazine, tells us that we
6 should be very worried about this issue of global warming,
7 which I'm sure you've all heard much about.

8 As a student who testified earlier and as the
9 students of the University of Southern Maine, which I represent
10 in part as the university sustainability coordinator, weekly,
11 assuredly the greatest challenge I have is dealing with the
12 students' sense of hopelessness.

13 I look forward to the day when I can point to wind
14 turbines on the ridgelines of mountains in western Maine and
15 tell my grandchildren and the students I deal with that there
16 stands symbols of hope for their future.

17 We need such symbols just as we needed the light
18 houses on the coast of Maine to guide us into a very difficult
19 new century.

20 The scale of the task we confront is, as I said
21 before, daunting. The world is growing at the rate of a new
22 state of Maine population-wise approximately every six days,
23 every six days.

24 Even with dramatic improvements in energy efficiency,
25 the people that do this for a living -- the technologists and

1 the independent scientists -- tell us, don't "look us" [sic]
2 for technological solutions. These are political, these are
3 sociological problems.

4 Without assuming the leadership and engaging in
5 ingenuity and innovation that has been one of the hallmarks of
6 this state for centuries, we are not going to get out of this
7 just using technology. Efficiency alone will not get us out of
8 this issue. It will not guarantee our children a sense of a
9 hopeful future.

10 You have a very difficult decision to make, but I
11 think if you look at the larger issue here, which is creating a
12 Maine that can be independent and move hopefully into a very,
13 very difficult future, you can be the start of a national
14 movement, certainly a movement that our students at the
15 University of Southern Maine will thank you for, their
16 grandchildren will thank you for.

17 It's a difficult decision. It's my understanding
18 that these turbines can perhaps be removed much more easily
19 than they'll be put up in 50 years, or 30 years, or 60 years,
20 when we do find a better way to provide for our needs, but that
21 is a decision for another generation.

22 In the meantime, I ask you to please allow Maine to
23 do its share, it's fair share. I mean, we can't burden just
24 the states in the Midwest or the coal mining regions of
25 Pennsylvania and Kentucky with the dreadful external costs of

1 powering the wonderful future that we may share.

2 Please allow this project to continue, allow Maine to
3 do its share, to build a sustainable energy infrastructure that
4 offers my child a chance at a healthy, hopeful future.

5 Thank you very much.

6 THE CHAIR: Thank you. Nancy. And following Nancy
7 is Rebecca Rockefeller.

8 MS. ARTZ: Hello, I'm Nancy Artz from Cumberland,
9 which means that I'm one of the people that's been described
10 earlier as a stranger from away, or alternatively, a tourist
11 who supports the local economy. So take that perspective.

12 I'm asking that you make sure that the perfect is not
13 the enemy of the good. Is this Redington project perfect? No.
14 As an environmentalist, I don't see any environmental impacts.

15 But it's a good project that should go forward. Yes,
16 I wish that 10 years ago we had the foresight as a state to
17 assess the whole state and say, these are the best places to
18 put wind, hydro, tidal, you name it. We didn't do that.

19 The more important reality is we also haven't done
20 anything about climate change, and we need to act now.

21 The World Health Organization scientists estimate
22 that already over 100,000 people a year die due to existing
23 climate change.

24 I had to speak face-to-face with a Gwitchin asking me
25 why am I forcing her entire ethnic community to leave their

1 ancestral home? Yeah, I'm an American. Less than 5 percent of
2 the world's population is using a quarter of the world's
3 energy. How do we answer that?

4 For me we don't have the luxury of waiting for the
5 perfect site. We are decades away from being a carbon-neutral
6 economy. We're going to need many, many alternative energy
7 sites. We're going to need the good sites, not just the
8 perfect sites.

9 I look at the environmental impacts of this project
10 as the cost of past actions. We chose not to tell developers
11 where we wanted the sites. We've chosen to buy SUVs, live in
12 sprawl, and have very energy consumptive lifestyles that we
13 don't know how to change at this point.

14 For me it's a moral responsibility for Maine to
15 accept the cost of energy production of the energy that Maine
16 uses.

17 I've heard some people say that Maine produces all
18 the electricity we need, but I doubt we produce enough
19 electricity for all of us to be driving electric vehicles. We
20 need to look at all of our energy costs.

21 Our society needs this energy. I think that I'll
22 just close by saying that as a hiker who comes and hikes
23 annually in the mountains, I hope to see wind turbines so I can
24 feel good about Maine accepting its responsibility and not
25 putting those costs onto other people.

1 Thank you.

2 THE CHAIR: Rebecca. And following Rebecca is Eliot
3 Field.

4 MS. ROCKEFELLER: Hi, I'm Rebecca Rockefeller from
5 Brunswick, Maine. First a disclosure. I work part time for
6 Maine Energy Investment Corporation, one of the organizations
7 intervening in favor of this project, but I'm here on my own
8 time. I took time off from work to come here because I support
9 this project so much as an individual.

10 I am a fervent environmentalist. I'm about to go
11 back to school for natural resources, and I'm also an avid
12 outdoors woman. Perhaps because of these dual interests, in
13 college I've led trips for Maine Audubon Adventure Camp, and
14 one of these trips was with a group of teenagers on the
15 Appalachian Trail.

16 I have a great deal of respect for both Maine Audubon
17 and the Appalachian Trail Club; however, I feel so strongly
18 that we need to do something about climate change and global
19 warming that I'm in support of this project.

20 As a trip leader, I can say that I would have been
21 thrilled with some of the peaks on the Appalachian Trail with
22 my campers and had the opportunity to point out wind turbines
23 in the distance. It would have provided the chance for me to
24 teach them about the current threats from nonrenewable energy,
25 such as oil and coal, and also an opportunity to give them

1 hope.

2 And I guess that's why I'm here, because this project
3 gives me hope for my future.

4 Without getting too personal, I'm 25 years old and at
5 some point would like to have a family. And it does worry me
6 thinking about the future that my children would have, the
7 future of Maine for them.

8 I'm deeply concerned about the threats of global
9 warming and I'm deeply concerned that if we don't act now, we
10 will come to a point where action is superfluous, we can't do
11 anything about it.

12 If the temperatures gets beyond 1 degree Celsius,
13 additional warming will be at a point that we haven't been at
14 in terms of earth's temperature for the past 2 million years.

15 There will be so many unknowns and that scares me.
16 So I'm here supporting this project because it gives me hope,
17 hope for some children that I might have someday and hope for
18 the state of Maine.

19 THE CHAIR: Thank you, Rebecca. Eliot Field, to be
20 followed by David Early.

21 MR. FIELD: Thank you very much and thank you for the
22 opportunity to speak to you.

23 My name is Eliot Field, I'm from Dresden. I am a
24 lawyer. I have an office in Wiscasset but I'm here on my own.
25 I took the afternoon off to come up and speak, and I am also a

1 very minuscule member of the Redington Mountain, LLC, which
2 would be the landlord, so to speak, the landowner leasing this
3 property to the wind power people.

4 I'm also invested in our environment, and I think we
5 all are. That's something I just want to emphasize here and
6 implore that we all keep in this mind because every one of us,
7 as the people before me have said, has a huge stake in the
8 quality of our environment. We don't live without it. If it's
9 too bad, we all suffer.

10 In fact, if you look at long term, evolutionarily,
11 95 percent of the species that have existed, I think, are now
12 extinct.

13 When you look at the long run, which I hope you will
14 be doing -- forward and backward -- hopefully we can learn from
15 our past and bring a better future by moving away from fossil
16 fuels and doing this sort of project.

17 I am, as I say, not here as a lawyer. I took the
18 afternoon off. I also want to say that I rode a bus up here
19 because that was better than driving a car with 30 other people
20 driving 30 other cars.

21 So I'm happy somebody was smart enough to hire a bus
22 and invite me to join them.

23 I'm a husband, a father, a want-to-be grandfather, a
24 citizen of this planet, I'm a member of Maine Audubon, a member
25 of the Natural Resources Council of Maine. I've been a member

1 of the Appalachian Trail Club, the Sierra Club, I'm an
2 environmentalist, I care, I hike, I do all these things.

3 But if we don't smarten up in the long run, we're not
4 going to have anything out there to hike on, and we're going to
5 have lakes that are more acidic, et cetera, et cetera.

6 I'm just reminded, I stood on Mt. Katahdin and I've
7 seen the paper mills in the distance. Is that offensive in
8 some way? I think it's more offensive than a wind turbine,
9 frankly, but that doesn't mean we should pluck them out or
10 never have put them there.

11 I'm reminded of a couple of other things. One is,
12 Maine Yankee has come and gone. I've lived in the mid coast
13 area long enough to see that come and go. I've lived there
14 long enough to see Mason Station bilch out black soot when it
15 was running and now shut it down and be converted to some other
16 use. I think that's a step in the right direction. I think
17 this is a step in the right direction.

18 Frank & Ernest has a cartoon that has stuck with me.
19 One asks the other, What do you think about evolution? The
20 other answers, I think it's worth a try.

21 I think this is worth a try, I think we need to learn
22 from our past and seize this as an opportunity to lead into the
23 future, follow our own motto for the state of Maine. We're
24 inventive folks, let's mold that better future and build it
25 today for tomorrow.

1 Thank you very much.

2 THE CHAIR: Following David will be Delene Perley of
3 Windham.

4 MR. EARLY: Mr. Chairman and Commissioners, my name
5 is David Early, and I'm from Scarborough. I thank you for your
6 valuable time and patience this afternoon in conducting this
7 public hearing.

8 I'm here as the executive director of facilities
9 management at the University of Southern Maine. We are in
10 support of this project on Redington Mountain.

11 I'm also a licensed professional engineer, I'm also a
12 member of the Association of Energy Engineers, and I hold
13 several certifications from that association, such as a
14 certified energy manager and certified green design engineer.

15 I'm also an active member of the American Appalachian
16 Mountain Club and the Sierra Club as well.

17 I'm here today not only professionally but as a
18 parent and a grandparent. We talk about energy, and energy
19 capacity, I think, should be noted that today it's my
20 expectation as a professional energy manager that ISO
21 New England reached peak power, exceeded the capacity of the
22 New England power pool.

23 Power capacity in New England is a serious issue.
24 Because of that, recently the Federal Energy Regulatory
25 Commission, FERC, approved a fuller capacity energy charge.

1 This FERC regulation had been opposed by our governor and the
2 Maine Public Utilities Commission, but indeed because it's been
3 passed, it's expected to cost the University of Southern Maine
4 starting in December of this year \$70,000 and on up to \$170,000
5 annually.

6 This money is earmarked to support existing
7 generating burning fossil fuel plants throughout New England,
8 and you may have read recently about these issues. None of
9 those funds go into support this project here.

10 Our governor, legislature, AMC, and I think most
11 everyone in this room supports wind power. It is the most cost
12 effective, large-scale renewable energy technology that we have
13 available to us today.

14 The question is: Is it a suitable site, is it the
15 right site?

16 I recently read much about Mars Hill and wind farms
17 in Aroostook County. I wish to remind everyone that power
18 generated in Aroostook County, including Mars Hill, does not
19 connect or reach the power lines of Bangor Hydro or Central
20 Maine Power.

21 In fact, if you don't realize it, you should realize
22 that northern Maine is not connected electrically with eastern
23 Maine, central Maine, or southern Maine.

24 If we desire to purchase and use clean renewable
25 energy, Green E certified energy by the Environmental

1 Protection Agency as we do at the University of Southern Maine,
2 development of wind farms in Aroostook County, while a positive
3 step, does not truly meet our needs.

4 The proposed Redington wind farm could and would.
5 Redington will need a surprise for its beauty and isolation.
6 There's no doubt about that.

7 We also know that it's well suited with its mountain
8 ranges facing north and south and the level of the mountains
9 for wind farms. There aren't many sites as well suited for
10 wind farms.

11 I believe as an engineer this site has been designed
12 with very little impact and has indeed large benefits for the
13 overall general good.

14 Indeed it has been said, and I concur, that it's just
15 another renewable resource that can be harvested out of our
16 forests.

17 I understand the feelings of those who will be
18 impacted by the loss of a beautiful view, and I've tried to
19 relate to this.

20 I've thought about Otter Cliffs on Sand Beach on
21 Mount Desert Island and visualized a wind farm there. Indeed
22 that is a special place as is this. But as a member of the
23 AAMC who has hiked these paths, I know that these paths are far
24 less travelled as other paths in Maine.

25 I also am concerned about the need for clean

1 smog-free air that are necessary to enjoying the views. We all
2 know how often it is -- I'll use Mount Desert Island as an
3 example -- the unhealthy air qualities are reported there.

4 Unfortunately, Maine is the exhaust pipe for the rest
5 of the country.

6 Getting serious about wind power requires us indeed
7 to make tough choices. That's been said. All sites will have
8 some visual impacts.

9 Overall, these impacts I think have been minimized in
10 this project. The project does demonstrate a need that's well
11 documented. We need to reduce our carbon emissions.

12 Wind power is emission free and wind is free.
13 Indeed, we need to be concerned about the environment, and that
14 includes the direct and indirect impact that the carbon issues
15 has on our climate, on our birds, and animal habitats.

16 This underscores the need again for the support of
17 the Redington Wind Farm. Our response to global warming must
18 include increased energy efficiency, demand reduction, and
19 generation of clean renewable energy.

20 Maine needs also to support economic development. In
21 terms of economic prospects, it's been stated that we're at the
22 bottom of the ladder. Due to the continued lack of economic
23 prosperity, our children are leaving the state of Maine. We
24 now have the oldest average age of any population of any state
25 in Maine.

1 This project makes sense. It makes economic sense.
2 It makes environmental sense. I don't believe you can find a
3 better location for it.

4 Thank you.

5 THE CHAIR: Following Delene is Jackson Lee.

6 MS. PERLEY: Hello, my name is Delene Perley. I'm
7 from Windham, Maine. I am also a user of electricity.

8 I ask myself, am I willing to stop using electricity?
9 My answer is no. I don't think the people in this room are
10 either, since we are all taking advantage of the microphone,
11 the lights, and the fans.

12 I cannot pay for a wind turbine on my property. I
13 cannot afford solar panels for my house.

14 I can and I do pay extra money to get renewable
15 energy electricity for my home.

16 As a tourist, we were in Albany, Australia two years
17 ago. We went purposely to see the turbines there. There were
18 12 turbines on the shore. I am sure that the people opposed
19 the appearance of those turbines along their shore when they
20 were built. I also am sure that they were worried about birds.

21 However, as I looked at them I thought to myself,
22 these people are smart. They decided that it was important
23 enough to supply the energy for their town from a renewable
24 resource.

25 I look at the fans on the ceiling and I ask myself, I

1 do not know the exact ratio of the size of the blades and the
2 distance between the fans, but I see lots of space in between
3 for birds to fly.

4 I was proud of the people in Australia and of other
5 places in our country and the world for taking positive steps
6 to solve their electrical needs.

7 The people were not mining coal as they do in the
8 state where I used to live and then sending their acid rain to
9 Maine.

10 They were not finding a way to get their energy from
11 something that would provide nuclear waste. They were not
12 worried about a nuclear accident from their energy source nor
13 having to support families with black lung disease.

14 We as a country must become energy independent, and
15 we need to do it cleanly. Maine's got wind. Let's send some
16 of this -- I heard tonight for the first time that we might
17 have extra electricity. Maybe we could send some of it back to
18 West Virginia and Ohio. Wouldn't that be nice.

19 But Maine's got wind and I think it's time to put it
20 to good use, and I thank you for your attention and your work.

21 MR. JACKSON LEE: Hello, I'm Jackson Lee and I'm from
22 Yarmouth, Maine.

23 Hello LURC. You're looking regulating tonight. I'm
24 not an investor. I don't have that much money.

25 I am Harley Lee's son but I'm going to say something

1 that's not his words, he doesn't know what I'm about to say.
2 I'm very nervous so hopefully I'm not going to screw up and say
3 something bad about him.

4 My dad tonight is wearing a tie that has windmills on
5 it. I looked on-line and I found lots of other ties with
6 windmills on it, but I did not find ties with little power
7 plants on it maybe from nuclear power or coal power plants or
8 something probably because they don't look very nice but
9 windmills do.

10 A lot of people think so, so they put them on ties.
11 That's why we have a lot of ties with windmills on them. A lot
12 of people don't think that they look nice, but the people who
13 put them on ties do.

14 So I guess those people could talk to the people who
15 put the windmills on the ties.

16 So anyways, I was going to talk about how all the
17 people that are like against this project are kind of old. No
18 offense or anything. They're smart people and everything like
19 that, but they're not representing the next generation that's
20 going to be affected by this global warming. It kind of puts a
21 shiver down your spine, doesn't it.

22 Anyways, so they're kind of like not the ones that
23 are going to be affected by the global warming so they don't
24 really care. They're just the ones that don't want to see
25 those windmills spinning and they're PO'd about them and

1 they're getting their panties all in a bunch because of seeing
2 them out of their back windows.

3 You know, that's not that big of a deal.

4 Anyway, even though they've lived in this place for a
5 long time, I respect them and everything like that, they don't
6 want to see them, and they don't think they'll be spinning long
7 enough for them to create a purpose. They want them somewhere
8 in the Midwest, not in Maine.

9 So you know what? Too bad. The windmills do provide
10 enough clean energy, and people like me support the wind farm
11 because we are the next generation. We're going to be the ones
12 affected by global warming, and we're not going to spend the
13 rest of our days just complaining about how ugly are the
14 blades, those 400-foot monster towers.

15 Anyways, I'm just going to say that our generation is
16 in favor of the windmills, and I guess we count a wee bit more.

17 Thank you.

18 THE CHAIR: Alethea. And after that is David
19 Maxwell.

20 MS. LEE: My name is Alethea Lee and Harley is my
21 brother. I live in Peekskill, New York, and I support his wind
22 project.

23 My home in Peekskill overlooks the Hudson River and
24 the mountains of the Appalachian Trail, and it's really
25 beautiful.

1 However, Indian Point, a nuclear facility, and a
2 plant burning garbage of Westchester County, are within a half
3 a mile. This is a dangerous pollution that you can prevent
4 here by supporting this project.

5 I've been asked to read and summarize this article
6 called Wind Energy Comes of Age by Paul Gipe, or Gipé. The
7 most frequently mentioned objection to the use of wind energy
8 is the perceived aesthetic impact of the wind turbines which
9 have -- which have on a rural vista.

10 Few can look at wind turbines without forming
11 opinions. These opinions are often fluid and subject to change
12 depending on the time of day, the viewer's mood, and numerous
13 other factors.

14 It should come as no surprise that opinions of wind
15 turbines on the landscape will differ from one person to the
16 next in a pluralistic society with a host of different cultural
17 backgrounds, beliefs, and expectations.

18 Contrary to the popular belief, there is no universal
19 consistent and variable view of what is or is not pleasing to
20 the eye.

21 One of the best examples in history was reaction to
22 the Eiffel Tower, which was a long time ago in another country.
23 In France -- just as a lady who was talking about Australia --
24 and the criticism of Gustave Eiffel's plan to erect a great
25 tower in the heart of Paris is instructive.

1 There are many similarities between the initial
2 objections of the Eiffel Tower and aesthetic objections to
3 today's wind turbines.

4 Not insignificantly, several thousand wind turbines
5 in California are mounted atop towers incorporating the famous
6 compound paper that provides the sweep-and-curve characteristic
7 of the Eiffel Tower.

8 The viciousness of Eiffel's critics and their
9 personal attacks mirrors those similar seen in many
10 controversies surrounding large public works today, including
11 the construction of wind power plants like proposals to plant
12 wind farms on pastoral landscapes. And the Eiffel Tower
13 elicited a lot of strong emotions just as this does.

14 But I believe this is a good site, and the Eiffel
15 Tower does blend in in Paris and people love it, just like it
16 would blend in beautifully in the state of Maine in the
17 mountains.

18 Thank you.

19 THE CHAIR: David Maxwell.

20 MR. MAXWELL: Good evening and thank you for the
21 opportunity to speak here.

22 Let me begin by saying that I'm not a politician.
23 I'm the minority here, I think, I'm not a politician.

24 I'm going to speak against this proposal tonight. I
25 am a property owner in this area, and I and my family have been

1 coming here since 1969.

2 I think an important question to answer is why we and
3 others like us have continued to return here, buy camps and
4 houses here, to pay real estate taxes here, to spend money here
5 not only on Sugarloaf and Saddleback Mountains but also the
6 benefits of hotels, motels, restaurants, filling stations, home
7 fuel suppliers, food stores, lumberyards, hardware stores,
8 hunting and fishing and boating suppliers, sporting camps, gift
9 shops, and for many other goods and services go a long way in
10 support of the local economy.

11 We do so because of the excellent recreational
12 facilities in the area, because of the beautiful mountains, the
13 rivers, the lakes, the streams, and the abundant wildlife.

14 Presently this area is one of the few remaining
15 havens where people can experience nature in a context that is
16 relatively free from the mad rush of technology that may one
17 day irrevocably alter the natural environment on a global scale
18 in ways that have far reaching negative consequences for the
19 quality of life on earth.

20 However, the purpose of this meeting is not to
21 discuss global effects but local effects. And the local
22 effects that I'm here to oppose in this statement and will
23 continue to oppose relate to the proposal to shave the tops of
24 the Redington Ridge and the Black Nubble Mountain in order to
25 install wind machines.

1 How LURC responds to the wind power proposal under
2 consideration today ought to be a major concern to all citizens
3 in the state of Maine, as well as visitors who come here from
4 out of state.

5 Once the door is open for such development, others
6 with aggressive economic interests like Maine Mountain Power
7 and such private investors as Endless Energy Corporation, will
8 be knocking on the door again and again requesting approval for
9 wind machines on additional mountaintops in this vicinity and
10 elsewhere.

11 If approved, the final result surely will be what
12 many will perceive as an ugly blight upon these lands.

13 Although I, like many others here today, recognize
14 the need for so-called clean energy, I do not personally
15 believe that windmills that encroach on precious resources as
16 found in these mountains provide an intelligent solution to
17 meeting this need.

18 The environmental and economic costs to the area are
19 likely to far outweigh the dubious benefits proposed by Maine
20 Mountain Power and its private investors, the only real
21 economic benefactors, should their proposal be approved.

22 Therefore, I ask that LURC hold fast to what I
23 personally believe is its most important official, if not
24 moral, obligation and that is to protect the natural and
25 ecological values of this state.

1 As LURC acknowledges in its own words, residents and
2 visitors place a premium on the unique natural values found
3 here.

4 Indeed, this is not only true for the bowl of
5 mountains surrounding us today but for those stretching
6 northward to the boundary of Canada.

7 Because the proposal being debated violates these
8 values, LURC -- I ask that LURC, and related politicians who
9 may be involved in this decision, reject the proposal.

10 Thank you very much.

11 THE CHAIR: Ami Robbins. And following Ami will be
12 Peter Broderick.

13 MR. ROBBINS: My name is Ami Robbins, I'm from
14 Yarmouth. I'm going to be a senior at Yarmouth High School,
15 and I would like to start by saying that first of all I'm
16 grateful that as an American citizen I have the opportunity to
17 come before members of the community and government officials
18 in order to state my views and opinions.

19 And also, that we are part of a democracy, which the
20 good of the many is valued over the good and the one, I think
21 that greatly helps our cause tonight, because the only people
22 who are really against this are the people who are going to be
23 seeing it from their backyard versus the rest of us who are
24 going to be enjoying hopefully the cooler climate that will
25 result.

1 My main point tonight, really the only point that I
2 want to touch on, is one that I don't think has been mentioned
3 enough, and that is that this project more than a simple
4 cure-all for the energy crisis that we have dug ourselves in,
5 it is an important stepping stone.

6 First of all, I think the visibility is important
7 because people will be reminded every day that we are making an
8 effort to fix this energy crisis and that there are ways that
9 we can dig ourselves out rather than just sitting and burning
10 more oil.

11 The stepping stone thing, as long as that mindset
12 gets put into people's heads, that's the most important thing
13 to come out of this project.

14 It's not the 900 megawatts. It's not the direct
15 pollution that we're going to prevent. It's the mindset that
16 hopefully we can instill in the general population of this
17 town, this state, and this great nation.

18 Thanks.

19 THE CHAIR: Thank you. Peter, are you here? If not
20 Gail Merrill. Sylvia Lambert.

21 MS. LAMBERT: My name is Sylvia Lambert. I've lived
22 in Phillips for 45 years. I'm not affiliated with any
23 organization.

24 I am not up here because I am against windmills. A
25 windmill should not be the issue.

1 These hearings are about an application for rezoning
2 two pristine, fragile wild mountains to allow development,
3 which at this time happens to be windmills.

4 These mountains have been protected by a law wisely
5 passed by the Maine legislature in the 1970s to protect
6 elevations above 2,700 feet against development.

7 This is not a "not in my backyard" situation. It's
8 the fragile mountaintops that are important to people from all
9 over the country. It is not a matter of making a small
10 sacrifice by a minority of people.

11 Rezoning our mountains will affect future generations
12 as there will be no turning back if development such as the
13 type that is being proposed is allowed on these mountaintops,
14 as expert witnesses will testify to.

15 Please do not trade Redington and Black Nubble
16 Mountains for a wind farm.

17 With 35,387 square miles of land in Maine, Maine
18 Mountain Energy should be able to site their wind farm where
19 the land can be revegetated years from now when new technology
20 may replace wind farms.

21 All wind farms are no longer deemed viable without
22 tax breaks or government incentives.

23 Thank you for listening to my position.

24 THE CHAIR: Matthew Davis.

25 MS. MERRILL: Good evening. My name is Gail Merrill.

1 THE CHAIR: We lost you there for a minute, Gail.

2 MS. MERRILL: I'm a landowner, I'm a business owner,
3 and I work in the service industry here.

4 I must first say that I'm very much in favor of clean
5 renewable sources of energy. There's a place for wind power
6 but not when it becomes a destruction to the environment as it
7 would be here in the western mountains.

8 Upon entering the state of Maine there's a sign that
9 says, Maine, the way life should be.

10 I have lived on a green farm for 27 years. Myself
11 and other people who choose to live in this area do so not to
12 get rich, but for a quality of life. The greatest of these
13 qualities is the pristine wilderness that surrounds us. I am
14 not talking just about a view.

15 The service industry and tourism is one of the
16 largest employers of the area. People who visit this area also
17 come because of the pristine wilderness.

18 It has been said by many hikers that the most
19 beautiful section of the Appalachian Trail is from the western
20 mountains to Katahdin.

21 The lack of artificial light in our area also gives
22 us the most magnificent nighttime sky. We are treated to
23 spectacular meteor showers, beautiful northern lights, and
24 nightly viewings of stars, planets, and constellations.

25 I fear the lights on 30 410-foot towers would ruin

1 this forever.

2 I feel 30 410-foot towers would have a serious
3 negative impact on our wildlife, as well as all the ecosystems
4 of these mountains.

5 Maine is a state with many special areas of diverse
6 beauty. This is one of those special areas. We must be
7 respectful of what we have in order to keep it.

8 Please say no.

9 THE CHAIR: Thank you. Matthew Davis. And following
10 Matthew is Claudia King. I believe that's correct.

11 MR. DAVIS: Hi, my name is Matthew Davis and I want
12 to thank LURC for giving us a chance to speak tonight.

13 I am here representing Environment Maine. I run the
14 environmental organization called Environment Maine, and we
15 advocate for clean air, clean water, and open spaces on behalf
16 of about 3,500 members around the state.

17 My comments will be potentially unusual tonight
18 because we are not taking a position for or against this
19 individual proposal that is before you, but I do want to
20 outline some of the reasons why we do support clean energy and
21 potentially what, in your decision making process, you will
22 weigh against the effects of this development.

23 We worked to pass a law last legislative session that
24 set a State policy of 10 percent new renewable energy by 2017.

25 We believe that this is the best way to ensure stable

1 prices and low prices for Maine consumers, in addition to
2 protecting our air, our water, and curbing global warming.

3 This project, therefore, being a wind project, would
4 help fulfill the State policy of getting 10 percent new
5 renewable energy by 2017.

6 The specifics of clean energy and why this will help
7 drive down prices I think is something I also want to bring up
8 tonight very briefly.

9 Maine right now exports some amount of power to the
10 grid. It's been mentioned a couple of times. This position is
11 one not necessarily going to last forever because the natural
12 gas prices going up so much, there is the potential for
13 capacity, literally, power plants, to move outside the state to
14 where they have capacity shortfalls. I know this gets into
15 sort of a deeper level than you probably want to get, but we
16 may not have an extra abundance of power in Maine very much
17 longer.

18 Secondly, having more power that we can export
19 outside of Maine keeps Maine's energy prices low. In fact,
20 Maine's energy prices, if you look over the past year, have
21 been lower than the rest of New England on average, and that
22 story repeats itself as Maine has had more power than it uses
23 itself.

24 The second sort of thing that I think is important to
25 look at in weighing this proposal is the effects of global

1 warming specifically on the unorganized territories, so I want
2 to just tick through a few effects that I think are of note.

3 There will be more diseases in our woods and more
4 insects that last throughout the winter. We have always heard
5 concern about spruce budworm, the wooly adelgids that attack
6 hemlock in southern Maine are creeping northward, and we can
7 have continued effects of their creeping northward in terms of
8 their range into Maine and into the unorganized territories
9 where, of course, forestry is of utmost importance.

10 There could be problems with habitat for species that
11 are at the southern end of the range or that need more alpine
12 climates, for example, Bicknell's Thrush. We could see those
13 species continue to move -- move their range northward as this
14 warming trend continues.

15 I think also traditional uses here at Sugarloaf
16 Mountain or throughout the unorganized territories --
17 snowmobiling, ice fishing, cross country skiing, snow shoeing,
18 whatever it is that you like to do in the territory -- will get
19 harder and harder as we continue to have rainy winters and ice
20 storms.

21 This year I came up here two or three times. The
22 skiing was marginal at times.

23 We would like to continue to be able to do the
24 traditional recreation that we've always done here in the
25 northern part of the state.

1 And finally, the decreased snow cover in the winter
2 is also cause for concern for wildfires and for decreased
3 drinking water and water supplies in streams and lakes.

4 Luckily we had a wet spring this year, but you may
5 recall in the beginning part of the spring there were major
6 concerns with wildfires, especially in the Down East region,
7 and there were a number of fires that were burning in that
8 area, more so than there were in most years up to that point.

9 So those are the effects of global warming I think
10 are important to weigh when looking at the effects of this
11 development.

12 Again, it's going to be a hard decision, and my hat
13 is off to you for reviewing this. I think you'll give it a
14 very thorough eye.

15 Thank you very much.

16 THE CHAIR: Thank you. Claudia King. And following
17 Claudia is Art from Stratton. Art, if you're out there.

18 MS. KING: Hello, my name is Claudia King and I'm
19 here on behalf of myself and my husband, Lindsey Tweed. We
20 live in Falmouth, Maine. We may not be local. The issue that
21 brings us to this point, this place, is not local, it is
22 regional, national, and global.

23 Several years ago we decided to put some of our money
24 into the Redington project. Having recognized our nation's
25 addiction to fossil fuels and the accumulating evidence about

1 global warming, we wanted to do what we could to promote an
2 alternative form of energy.

3 After some research we were convinced that wind power
4 was the best, most feasible choice and that Maine was and is a
5 great place for it with some great sites, a great wind supply,
6 and a populous concerned with preservation of the natural
7 world.

8 The Redington Mountain and Black Nubble Mountain
9 project is an exciting opportunity to provide a significant
10 amount of clean power to Mainers and to demonstrate to
11 New England and the nation that we can make difficult decisions
12 with care and intelligence.

13 There are some trade-offs. There will be towers. My
14 husband and I believe that the towers are signs of good news,
15 not the eyesores some fear.

16 Some of the land will be cleared and some roads will
17 be built. Much land will remain untouched and will remain
18 protected from future development.

19 Two mammals recognized as rare will have some of
20 their habitat disrupted. One irony here is that one of the
21 great threats to these two animals is the heat increases that
22 comes with global warming, the major adversity the wind farm
23 hopes to address.

24 We wish there were no trade-off in this wind project
25 or any wind project; but we feel that when all is said and

1 done, the positive aspects of this project will outweigh the
2 negatives.

3 Thank you.

4 THE CHAIR: Thank you. Is this Art from Stratton?

5 MR. EDELHOFF: My name is Art Edelhoff. I live in
6 Eustis and Stratton.

7 I'm going to wax a little philosophically this
8 evening and go way off on another path I suppose. But when I
9 was thinking about this situation, I thought maybe a little
10 philosophy should be heard.

11 To effect the quality of the day is the highest of
12 arts. Nature's way is the way of the wild. It feeds that
13 quality. Men defile their lives when they do not abide by this
14 basic law of nature of existence.

15 A maimed and emasculated country results in a maimed
16 and imperfect nature.

17 The penalty for breaking this basic law of existence,
18 windmills encroach upon that law of nature.

19 Science is a value of an interior meditative life.
20 The sacred nature of living is a vital spirit. Windmills would
21 upset that spirit.

22 Instead of having -- instead of hearing celestial
23 music, we'll hear the grinding of 150-foot blades. We know
24 that windmills lack consistency in providing power. They are
25 commanded by erratic winds.

1 So it is difficult to understand the trade of
2 spectacular scenery for a feeble, uncertain, and unsightly
3 power operation.

4 Certainly the consequences of global warming have
5 been cited by the scientific community, but how will the
6 mutilation of a glorious mountain in this remote paradise be
7 felt in the overall scheme of a global solution.

8 We have so few people here, and there are so many
9 elsewhere. We don't need a jungle of windmills; we need
10 instead to play guardian of what has been nature's gift of
11 beauty and sanctity.

12 Oh, beware of corporate encouraging, gentlemen and
13 madame. Do not destroy our peace.

14 I thank you very much.

15 THE CHAIR: Carry Trimble.

16 James Tierney. Is Jim hear?

17 Moving right along, Mary Henderson.

18 MS. HENDERSON: Good evening, Commissioners. We
19 appreciate the opportunity to be heard regarding Maine Mountain
20 Power's zoning petition ZP-702 requesting rezoning of two
21 parcels of land in Redington Township on the Redington and
22 Black Nubble Mountain peaks.

23 My name is Mary Henderson, and I appear before you
24 tonight in a dual capacity.

25 First, I'm a 58-year resident of Stratton, Maine. My

1 husband and I raised our family here, and I have a deep love
2 and appreciation of the beauty, heritage, and culture of the
3 western Maine mountains.

4 I'm also here in my capacity as vice president of the
5 Rangeley Lakes Chamber of Commerce. As there are many
6 individuals and groups present to address the scenic and
7 environmental aspects of this application, the economy of
8 western Maine is the focus of my comments to you this evening.

9 It will come as no surprise to most of you that the
10 economy of the Rangeley Lakes region is a success story. This
11 status in Maine has not been obtained by accident. It has
12 involved careful land planning and stewardship for almost 200
13 years.

14 We have chosen to impose strict conservation
15 measures, been supreme stewards of the land, and have opted to
16 pass up the fast buck to develop our economy. We are a shining
17 example of an environmental economic partnership that has
18 created beneficial achievements.

19 We are fortunate to have a seasonal home and vacation
20 industries as the basis of our economy. Only 70 percent of our
21 economic fabric depends on passionate lovers of Rangeley
22 choosing to build a dream vacation home here.

23 These folks require almost no services from us, are
24 zealous supporters of our clean, scenic environment, and
25 contribute endlessly to our causes and businesses.

1 Thousands of western Maine residents depend upon this
2 industry for their livelihood.

3 To attack our second home and transient visitor
4 industries by eroding the very qualities these homeowners and
5 vacationers cherish is economic suicide.

6 We believe that erecting a 30-turbine wind farm
7 visible for miles around perched upon the country's most scenic
8 areas with dancing, flickering lights 400 feet into the night
9 sky is appalling and a disaster of monumental proportions.

10 Your report, three decades have changed in LURC's
11 jurisdiction confirmed over and over again how valuable our
12 real estate market is to us. Our appealing district accounts
13 for 30 percent of all permits you issue.

14 Our homeowners build larger, newer valued homes than
15 those in other districts. Our district has the lowest poverty
16 level, our residents are more educated, and our district
17 enjoyed 63 percent of your jurisdiction's net growth between
18 1990 and 2000.

19 The report states that our growth rate will likely
20 continue. This growth is projected to grow faster than the
21 state as a whole.

22 Nationally interest in seasonal homes has reached
23 historic levels as both investment and recreational
24 opportunities. The market will only increase as baby boomers
25 reach their peak earning years.

1 Exceeded only by waterfront listings, properties with
2 scenic views are the most sought after real estate. When
3 property offers attractive views, its value is actually doubled
4 than that of property with no view, and no view is decidedly
5 more appealing than an ugly view. Imagine the economic
6 ramifications of significantly devaluating hundreds of homes in
7 western Maine.

8 We understand and support the zest to develop
9 renewable energy sources. We urge Mr. Lee to expend his
10 efforts and millions of dollars on some different type of
11 alternative power that is more reliable, more consistent, more
12 productive, and doesn't require other power producers, such as
13 Stratton Biomass and Wyman and Harris Damn hydro plant, to be
14 on costly standby when our wind is blowing.

15 THE CHAIR: Mary your time is up.

16 MS. HENDERSON: Okay.

17 THE CHAIR: I have Basil Powers down here but he put,
18 no, he didn't want to testify. He's standing up, so I've got a
19 feeling he's changed his mind.

20 Is that true?

21 It looks like a long speech, Basil.

22 MR. POWERS: I've been trying to get it to four
23 minutes.

24 First I would like to thank Catherine Carroll, the
25 director of LURC, I would like to thank her staff, and I would

1 like to thank the LURC Commissioners for giving we, the people,
2 this opportunity to voice our concerns against the proposal for
3 which we are here.

4 My name is Basil Powers. You probably all know me
5 anyway.

6 I live in Coplin Plantation along the banks of the
7 south branch of the Dead River. My wife, Harriet, was born in
8 the farmhouse we have called home for the past 65 years. We
9 own 245 acres along the river, practically in the shadow of
10 Black Nubble and Redington Mountain.

11 I was not born here in this area, myself, but when I
12 first came to Coplin Plantation in the early 1950s, I fell in
13 love with not only a beautiful girl, but with the land, the
14 river, and these mountains. I thought then, this is where I
15 want to live, work, raise a family, and die.

16 That's all happened but the last, and I'm not rushing
17 that, thank you.

18 The issue we're all here today to challenge is not
19 about electricity. Please hear me well. It's not about
20 pollution of the atmosphere or dependency on foreign oil. It's
21 all about money.

22 This California-based company just wants to make big
23 money. They care nothing about our beautiful mountains, our
24 clean mountain streams, or our laid back form of life.

25 It's all about money. Federal tax money, which, by

1 the way, is easy to come by for just about any screw ball
2 project you can think off.

3 They will call me a NIMBY. That's all right, go
4 ahead, I've been called worse things; but it's not in my
5 backyard, it's in my front yard.

6 If you look out my front picture window, Black Nubble
7 Mountain fills my skyline, and as I said before, we are
8 practically in the shadow of the mountains.

9 And I will tell you now, if this proposal was
10 anywhere near your home, every single one of you in this room
11 would become a NIMBY real quick.

12 This proposal states that they're hoping to hook up
13 enough electricity to power 40,000 homes in Maine, but like
14 someone before me, tell me where the hell 40,000 homes in Maine
15 are that don't already have electricity. That does not need
16 more electricity. Maine produces twice as much electricity
17 than it uses every day. Central Maine Power Company would be
18 glad to hook you up.

19 There is no need to rip the tops of all the beautiful
20 mountains, destroy anymore forests, pollute anymore streams,
21 and gigantic balsam fir in a quest for more electricity.

22 I hold here in my hand proof that there is hope just
23 on the threshold or around the corner that will solve many, if
24 not all, of our future energy needs.

25 So I say to you, the Commission -- and I've lost my

1 place -- your predecessors, and maybe some of you were there,
2 in their infinite wisdom must have thought that protecting
3 these mountaintops above the 2000-foot mark was the right thing
4 to do and I firmly believe that it was.

5 If states and cities to our south and the west,
6 namely, California or Rhode Island, have any need for more
7 electricity, then that is exactly where this program should be
8 placed, not on to top of our beautiful mountains.

9 Why should we who like these beautiful mountains have
10 to suffer the indignity of looking at these horrible towers and
11 whirling madness forever.

12 So we're asking you, because it is in your power, not
13 to break that code of thought. Please deny this proposal. I
14 thank you, all our grandchildren, and great grandchildren will
15 thank you also.

16 But I would like to add a paragraph.

17 Please, not once have I heard this wind company say
18 that they can reduce my electric bill \$5 a month or \$10 a
19 month. That would be good news, but never once have you heard
20 them say that, and you can't get them to put it in the paper,
21 I'll bet you.

22 So Maine doesn't need this electricity. Not one
23 kilowatt of this power is going to stay or benefit anybody in
24 this state. It's going to Rhode Island, it's going into the
25 grid.

1 So I'm asking you, please, take a real hard look at
2 this thing. I ain't going to live, maybe, all that long, but I
3 don't want to look at those ugly things 365 days a year, and I
4 shouldn't have to. There are other places. I really think
5 they could find a better site than the beautiful mountains.

6 I would like to leave these papers here. I would
7 like to have you look at them.

8 Can I leave them with you?

9 THE CHAIR: Leave those with your testimony, Basil.

10 MR. POWERS: Thank you very much.

11 MR. HARVEY: You look like you knew what you were
12 doing.

13 DR. SAYER: You didn't want to call my name, I know
14 why.

15 THE CHAIR: Suzanne Sayer. And after her is John
16 Hellie.

17 DR. SAYER: Hello, my name is Suzanne Sayer. I'm
18 from Kittery and I'm a nuclear engineer. Before I became a
19 nuclear engineer, I spent 45 years of my life studying the
20 earth. I am an earth scientist.

21 I have studied the earth, I have three degrees, and
22 I've been on six out of the seven continents, and I am
23 terrified about global warming.

24 This is the only place in the universe that we know
25 that we have life. I suspect that there are lots of other

1 places, but I know there's life here. If we do not do
2 something about the global warming on this planet, there will
3 be no life as we know it. The cock roaches will live, but
4 that's about it. The cock roaches and a few animals in the
5 ocean if they don't get too warm.

6 I want to say that most of comments have been
7 reiterated by Senator Cowger; Strimling; Dave Evans, the high
8 school student from Scarborough, which I'm very delighted that
9 he actually learned something in science class; Mr. Whittemore;
10 the good physicians that have spoken; the gentleman from the
11 lung association.

12 I live in Kittery and I don't have the benefit of
13 being able to put up a windmill or solar panel. I live on the
14 northeast side and there's trees all around me, and they're
15 dying from some type of blight.

16 I don't like them to die. I would like solar panels,
17 but I think some of the diseases are caused by this global
18 warming.

19 I love this earth. I want to think global and act
20 local. These people talk about money. They talk about the
21 wind power is subsidized by our Federal government.

22 If they looked at what the subsidies for oil and gas
23 have been, the tax breaks they've gotten, if they've looked at
24 all the wars we fought in the Middle East, having sent over our
25 precious sailors and soldiers and Marines, and the death and

1 dying and the Veteran Association fees, these fees are all a
2 part of the production of energy in a foreign country.

3 If you take a look at all those fees, the price of
4 our gasoline at the pumps should be \$8 a gallon. We are not
5 getting a tax break for wind power anything close to the \$8 a
6 gallon. What our country is providing the oil companies for
7 tax breaks is to produce oil for our cars and our guzzling
8 SUVs.

9 I would like to say that these people who have tried
10 to bring up people up here to testify, I would like to have
11 been able to ride the bus with them to save the energy from
12 consuming -- every mile I go in my car puts one more pound of
13 carbon dioxide in the atmosphere. We need to take that carbon
14 dioxide out.

15 There won't be any trees in Maine if we continue to
16 produce carbon dioxide.

17 Thank you very much committee. I think that you have
18 a very hard thing going ahead for you. I think the
19 windmills -- I may not like one in my front yard, but I think
20 they're also a gorgeous, gorgeous technology.

21 I'm a nuclear engineer, I've worked on nuclear
22 submarines. I think nuclear power has got to have a place in
23 it, too. I know that most of these people are not pro nuclear
24 power, they're for wind power. I'm pro wind power, I'm pro
25 nuclear power, I'm pro any type of alternative to get the

1 carbon dioxide out of our atmosphere.

2 Thank you very much and have a good evening.

3 THE CHAIR: Thank you, Suzanne. John, is he here
4 somewhere?

5 Following John it's either Jan Collins or John
6 Collins. I'm not sure which. Linda said no. I don't know
7 whether she wanted to testify. Jan Collins or John. Linda
8 said no. I don't know whether she wanted to testify.

9 Are you somehow associated with Linda?

10 MR. HELLIE: Ladies and gentlemen, LURC, Chairman,
11 committee, my name is John Hellie. I live in Lang Township,
12 otherwise known as Langtown. For the people that don't live up
13 in this area, it's on the map. For those of you who do, you
14 know where it is.

15 This has been literally broken down into a war
16 between NIMBYs, NOOBYs, whatever you want to call it, and the
17 out-of-sight, out-of-minders. It's been broken down to old
18 people versus young people, but the big thing that I'm
19 concerned about is the fact that this is a rezoning, a rezoning
20 that states right in the title, Protected Mountains.

21 A man that lived in our area in Langtown who we
22 lovingly called the governor, his name was Brad, he lived there
23 for years and worked for IP for 40 years, he used to point at
24 the mountains and say, do you see that? That's a clear-cut.
25 Do you see anything up top? I said, trees. Yep, that's our

1 government. They finally wised up and did something good.

2 Now, I'm not a full-fledged Mainer, I've only been
3 here 15 years, but I grew up in California. I grew up in
4 Silicon Valley back when they had some sheep, otherwise known
5 as Cement Hill, and then they had what they called a wind farm.

6 A wind farm that started out with 30, 40 turbines.
7 Near going on the way to Fremont, they call it the Fremont
8 Hill. Well, 200 later became what we call Pin Cushion Hill.
9 They had turbines facing every direction to get every piece of
10 power they could get, every piece of wind.

11 The problem we have here is that Maine isn't even the
12 No. 1 state for wind. Wind is not even in the top 10. We
13 shouldn't even be here at this point in time.

14 If we were No. 1, I would be all for it; but if it
15 it's not going to benefit locally, if it's not going to benefit
16 the people of Maine, if it's going to be shipped out, then
17 we're giving up our mountains.

18 And I hear global warming. Well, the windmills right
19 now at this very moment in the United States produce less than
20 1 percent of the energy that we consume.

21 How many mountains are we going to tear up to
22 compensate for that? I guarantee you, if you open up the
23 mountains, then you're going to have radio towers, you're going
24 to have telephone towers, you're going to have TV towers if we
25 don't stick them in the air for a satellite.

1 Everything is going to be all over the place.
2 They're going to need more. They're going to be coming from
3 California. They're going to be coming from Texas, from New
4 York.

5 So when people say you want to give up and your own
6 little world and get out of OPEC, well, I'm willing to get off
7 of OPEC. I'm willing to look at wind farms, but not to the
8 extent that OPEC changes Maine to New York, California, Texas,
9 Nevada, Las Vegas.

10 These people that I've lived up here with for four
11 years, I respect them because it's hard to live in this state.
12 And every one of these people -- I've listened to both sides of
13 this room today -- talk about how well that they are trying to
14 do this, that, and everything.

15 It starts in the home. It starts in the grass roots.
16 This is a grass roots state. This is how we do it, and that's
17 what I respect about these people.

18 It's not right to have somebody from out of state all
19 of a sudden decide you should put it up there. If you open it
20 up, what happens next? Clear-cutting, harvesting. It's got to
21 be clear-cutted to get them up there.

22 I'm worried about all that. I'm worried about
23 anything that has to do with the final clear-cutting. You
24 might as well change the mountain to a bald mountain, pin
25 cushion, needle head or whatever.

1 But I do hope one thing. There was somebody that
2 asked, if not here, where? Well, something to think about and
3 this is just an analogy.

4 If you had somebody come to you, and it might not be
5 your jurisdiction, and said I would like to put 20 turbines out
6 in the bay -- think of Boothbay -- and there's already lines
7 underground -- which there are -- and there's more wind on the
8 ocean than there is in the mountains, would you give them the
9 okay?

10 Thank you.

11 THE CHAIR: It was Jan, not John. Chris Keene, if
12 you're still here, you'll be next in line.

13 MS. COLLINS: Thank you for the opportunity to
14 address you tonight.

15 My name is Jan Collins, I live in Wilton, Maine. In
16 keeping along with the things that people have said to give
17 them creditability, I'm a member of the Oquossoc Indians. My
18 family's been here thousands of years.

19 I also belong to an ecological club at my high
20 school, Mt. Blue High School. I am a science teacher. I teach
21 biology, chemistry, and physics, and I'm a farmer, I have a
22 blueberry farm.

23 To the point: I have heard much testimony,
24 outrageous testimony and outrageous claims tonight,
25 unscientific in nature, things like if we somehow saved the

1 Cloud Forest of South America. If we build this, we'll somehow
2 cut down the amount of CO₂ in the environment.

3 As far as I know, there is no quid pro quo. If you
4 let us build it, we will retire a power plant that burns fossil
5 fuel. If you let us build it, we will junk a bunch of cars.
6 If you build this, we'll ensure that people somehow drive
7 Priuses instead of SUVs.

8 There is no guarantee whatsoever that any of us will
9 change our gas guzzling consumerism. This power plant may not
10 reduce CO₂ at all.

11 Our consumption of fuel, fossil fuel, is not in fact
12 decreasing, it is increasing, and the addition of this power
13 plant will probably not change that.

14 It will not, in fact because of that, change the
15 amount of CO₂ or other pollutants that are produced by fossil
16 fuels and save our lungs.

17 There are some things, however, that could change
18 that, but most of those require personal responsibility,
19 personal responsibility that for the most part we choose to
20 ignore.

21 In order to actually effect the CO₂ levels in this
22 state or in this country, we will have to do things like reduce
23 the amount of miles that we drive. Personally, I'll have to do
24 that, or I'll have to buy a vehicle that gets better gas
25 mileage.

1 I can also reduce my consumption of fossil fuel by
2 living in a smaller house. That takes personal responsibility.
3 If I live in a smaller house, I'll consume less fossil fuel
4 because I'll burn less.

5 So the real alternatives if we're looking at saving
6 Maine over saving the planet -- if we really think we have that
7 much control over the planet -- is looking at personal
8 responsibility.

9 The real crux of this question, however, is should we
10 change the zoning.

11 I must agree with several of the speakers here that
12 should we change the zoning on this mountain, what would keep
13 us from changing the zoning for all mountains? In fact, once
14 we change the zoning here, we set a precedent, and that
15 precedent is that the mountains are not in fact going to be
16 protected on their summits.

17 As a member of a comprehensive planning board for
18 several years, what our duty was to decide what are the most
19 important resources in our community and how can we zone to
20 protect those resources.

21 What we need to do in Maine is the same thing. What
22 are our most precious resources? How can we protect those
23 precious resources.

24 So the onus is on us, what are we personally going to
25 do to protect those resources.

1 I've heard lots of talk about saving endangered
2 species in Peru. There are endangered and threatened species
3 on top of this mountain that we need to protect and will be
4 gone when we desecrate the top of this mountain. Gone,
5 irreplaceably gone.

6 Is this what we want for the future of our mountains?
7 By changing the zoning for this mountain, we are looking at
8 that same change for all our mountains.

9 Thank you very much for listening to me. I really
10 appreciate it.

11 THE CHAIR: Chris Keene. After Chris we'll be
12 looking for Matt Tinker. Go ahead, Chris.

13 MR. KEENE: Good evening, LURC Commissioners. My
14 name is Christopher Keene. I am from Greenville, Maine. I'm
15 about 34 years old, which makes me eligible at least to breed
16 someday and maybe I'm not the youngest generation.

17 Being a native Mainer -- I was born in Orono, moved
18 to Greenville when I was 3 years old or something -- I was
19 taught two things that I will pass on to my own children:
20 Respect the environment and respect for my elders.

21 I'm also an avid hiker. I don't canoe, I don't hunt,
22 I don't fish, it cuts into my hiking time. Exclusively hiking.

23 I'm also a registered Maine guide. I do much of my
24 guiding up in that region, and the lady who just spoke before,
25 I really have to -- you know, when you set this precedent, you

1 know, I worry about a few things.

2 One of the things I've read in some documents on
3 about how they want much more of Maine's energy produced by
4 wind power, and they said it would be upwards of 20 percent.

5 With that 20 percent, they would need a thousand such
6 towers, and I wondered where the other 970-some towers would
7 go. They wouldn't be done with this region. I know precisely
8 some of the spots they would probably go. I have a good guess
9 the high elevation peaks.

10 One of them I had the opportunity to go bushwhack
11 earlier today and I chose not to. I thought that was pretty
12 selfish to go do something like that way up there when I could
13 come down here and kind of do the same thing.

14 I hiked nearby Burnt Hill earlier today, not
15 Black Nubble, but Burnt Hill. My legs are really tired. And
16 all that heat, despite the sweltering heat, you know, before
17 the rain clouds came, I had some pretty good views. I could
18 see Sugarloaf -- how could you miss it -- but also Crocker and
19 Abraham and Spaulding. I think I was seeing Snow Mountain,
20 another 4,000-footer right off in the distance.

21 There's another mountain, Bigelow, another valuable
22 asset. When they had the slide earlier, they were going off
23 about the biomass plant and all these things.

24 I think you could put Bigelow without its
25 development, without anything, and you could put it up against

1 Sugarloaf, you could put it up against Saddleback, you could
2 put it up against all those things.

3 It stands along with this natural asset, it's why
4 people come here. I would love to be able to guide in this
5 region. You couldn't drag me off these mountains.

6 From Burnt Hill I could see over there on Bigelow
7 Mountain a little tiny fire tower about that tall (indicates)
8 that couldn't be more than 15 feet high. It's the original
9 ground house tower. I don't know when it was made. It was one
10 of the first towers in the state.

11 To the point, I could see it 9 miles away. If
12 something like that stood 400 feet tall, I know I could see it
13 from the mountains in the Moosehead region. I've been on Moxie
14 Mountain, just over on the other side of 201. I've seen
15 Redington Pond Range. I can imagine what a 400-foot tower
16 would look like.

17 We're not talking, I don't believe, about 400 feet.
18 It's more like 550 feet if the blades are 150 feet long. There
19 would be lights at the ends of those whirly blades, I would
20 hope, so that a pilot would make his adjustment so he's not
21 going 475 feet, he'll be going up much higher so he's not
22 clipping the blades on the turbines.

23 I didn't see that Avery Peak is taller -- West Peak
24 is taller than Avery Peak from that far away. I know that 400
25 feet is going to be visible for miles and miles away.

1 One of my -- so I certainly don't approve of their
2 proposal, certainly not as written, and one of the other things
3 I have objection to is they try to alleviate the visual impact
4 by conserving 300 acres.

5 I would rather see something -- I would rather not
6 see turbines here at all, I don't believe it's an appropriate
7 place -- I would rather see something on the moon. How high
8 can we aim? 30,000 acres?

9 How about a moratorium on future wind turbine
10 development, say for 50 years. You have to put much more
11 stringent restrictions on this.

12 Thank you.

13 THE CHAIR: Matt. Matt Tinker. I don't know if he's
14 here.

15 Lucile Weymouth. Susan Devaney. And after her I
16 have Jeff Porter.

17 MS. DEVANEY: I am Susan Devaney. I am from Steuben,
18 Washington County, Maine, the other Maine.

19 My husband and I bought our home here in Steuben 10
20 years ago because Maine was the most beautiful place we had
21 ever seen. And beauty is in the eye of the beholder because we
22 had come from California. I also had lived in Seattle, in the
23 San Juan Islands. I love beauty, I love Maine.

24 I found the first time I saw the windmill farm
25 outside of San Francisco to be one of the most beautiful things

1 I had ever seen.

2 On frequent trips north -- this was almost 35 years
3 ago -- I rarely saw still windmills; I saw them dancing and
4 they were beautiful and they don't grind, they make a soft
5 swoosh, swoosh, just like the ocean does at my house.

6 I fear for future generations. I fear for my
7 grandchildren. I fear for global warming. I saw the ice storm
8 in '98. The last three years I have not even had to plow.
9 I've had no snow.

10 Maine is not the same state it was 10 years ago, it's
11 warm. I can't think of anything worse than an energy crises,
12 global warming. I've been to China. I've had coal dust all
13 over my face, I've seen the oil fields in Long Beach,
14 California, the oil fields in Texas. They're filthy, they're
15 disgusting, they're loud.

16 I think we need to look at alternative options for
17 energy. I've seen windmill farms all over the world, and they
18 can be absolutely beautiful.

19 I understand the concerns. I'm only here because I
20 think we need to look at alternatives and options, and I love
21 this state.

22 Thank you.

23 THE CHAIR: Thank you, Susan. Jeff, you're an
24 intervenor. Your group is an intervenor, right?

25 MR. PORTER: I am not an intervenor.

1 THE CHAIR: You're not?

2 MR. PORTER: I am not.

3 THE CHAIR: You've been withdrawn? Is that true?

4 MR. PORTER: There was no testimony. I have not
5 submitted testimony at the attorney general's suggestion. All
6 I wanted to do is state our support for wind power.

7 THE CHAIR: All right, I'll allow it.

8 MR. PORTER: I appreciate that.

9 Again, My name is Jeff Porter. I am with the
10 Coalition to Reduce our Dependence on Foreign Oil. I'm from
11 Cumberland, Maine. I'm a father of five children and I'm here
12 for two reasons: One, I think it's important that we begin to
13 take responsibility for our own actions.

14 We in this state and as a nation have a tendency to
15 blame others, and I don't want my kids ever to be forced with
16 the choices that we're faced with today.

17 Unfortunately, our soldiers have gone overseas many
18 times in the past 20 years to protect our sources of power, and
19 I think we have a viable option here.

20 Wind power -- I must take exception to a number of
21 the individuals today who indicated that somehow the power is
22 leaving the state. I think that violates the basic tenent of
23 electricity.

24 This power is not leaving the state. This power is
25 staying in the state of Maine. I'm not aware of power leaving

1 the state of Maine given the current configuration of the power
2 sources.

3 I find it also interesting, it's very unusual in our
4 state, I've been in Maine all my life, my grandmother was born
5 up here, if you look you've got all three of the major
6 papers -- Lewiston Sun Journal, the KJ, the Portland Press
7 Herald -- come out in support of this project.

8 It's very unusual. You even see them come out for
9 TransCanada. So I think we're moving in the right direction.

10 For a number of outdoor environmentalists and members
11 of the Appalachian Mountain Club who have given money in the
12 past to environmental groups, there are many of us who care
13 just as much about the environment as those who purport to be
14 environmental groups.

15 I've hiked all of these mountains. I've been in this
16 area all my life hiking, and I need to correct one of the
17 mistaken impressions that seems to be continually relayed, and
18 I know a number of you have gone on the site walk, this is not
19 a pristine area. This is an area that has been harvested and
20 used for many, many years except for the tops of these
21 mountains.

22 They've been harvested, they've been snow mobiled on.
23 Actually what we're talking about is one additional use.
24 That's all we're talking about, the additional road. Those
25 roads are going to be used by people who hunt, people who cross

1 country ski, and people who hike.

2 I guess the final point that I would make is that
3 there are a number of us that are here and are not from the
4 local area.

5 I think there's one group from southern Maine and
6 other who don't think we have the right to participate. It's
7 preposterous.

8 I think the important thing is we need to look for
9 ways to get power in a cleaner, more dependable way. I'm not
10 sure where most of the opposition comes from. I've heard a lot
11 of reasons for this.

12 My concern is that if we continue going down the road
13 we're going down, let's go door to door.

14 But that's not written in stone. Things change. Our
15 situation in the world has changed, and we need to find a way
16 to be more energy independent, and Maine needs to be a part of
17 that.

18 So with that, I would like to enter into the record
19 the editorials that I have here from the three major papers in
20 support of the project and again reiterate my support for this
21 project.

22 THE CHAIR: Thank you, Jeff. Ted Allen, is he here
23 tonight? After that there's another, Travis Lee. How many
24 sons do you have, Harley? He's not going to testify?

25 Go ahead, Mr. Allen.

1 MR. ALLEN: I'm Ted Allen. I'm from Brunswick. I'm
2 a lifelong camper, hiker, fisher, mountain climber in Maine,
3 both as a resident and as someone from away. I come to you
4 really as a biologist, which I have done all my life in one
5 state or another.

6 I have a little bit of tunnel vision on this that I
7 think hasn't been talked about as much as I would like to hear
8 it talked about tonight.

9 This petition repeats what road construction has done
10 to fragile environments throughout the world. By building on
11 one of the highest wilderness mountain ridges in the state, the
12 road will not only affect the immediate neighborhood and its
13 rare inhabitants, but also everything downhill from it.

14 One of the axioms of sustainable development is to
15 walk lightly on the land so as not to hurt those who live
16 downstream.

17 This petition fails this axiom, one, because the
18 project has chosen a site where it is impossible not to leave a
19 large destructive footprint, and two, the evolution of the plan
20 over the past couple of years has been to increase the size of
21 this footprint and not to decrease the impact of larger towers.

22 There are ways to respect both the needs to preserve
23 environments, which if destroyed are gone forever; and we need
24 to press on with sustainable development.

25 But development should not destroy an inheritance,

1 and you've heard all kinds of ways that that should not happen
2 and would make a big dent in this well preserved, so far,
3 resource.

4 The inheritance from we get from fossil fuel is now
5 going away. We need to think a lot more carefully about how we
6 build sustainability in Maine versus sustainability has become
7 a code word and not a way of life.

8 An earlier person talked about this 3,000-pound
9 gorilla that's in the room, conservation. We are already,
10 according to many views, over the hill. This is in some ways
11 too little, too late.

12 For me the major issue is again a tunnel for the
13 Commission. I am a biologist, I don't like roads. Roads kill
14 lots of things, even in Maine, but mainly in environments as
15 high and not as diverse. A road through a Wyoming trail does a
16 lot of damage and is very similar to a road through a high
17 mountain area in New England.

18 I hope -- this 3,000-pound gorilla is more of a big
19 issue problem. I hope you can address this in some of your own
20 solutions and the local problem it faces.

21 Thank you.

22 THE CHAIR: Thank you.

23 Bob Kennedy: And after Bob is David Demere. Is he
24 still here? Bob Kennedy.

25 David Demere, is he here? David is from Belfast. He

1 came a long way.

2 Louise Tesseo-- I'm sorry if I'm mispronouncing your
3 name -- from Coplin. She's close to home, I'm sure she
4 wouldn't go home.

5 After her is Roger Gilmore from Castine.

6 MS. TESSEO: My name is Louise Tesseo, and I'm here
7 because I strongly oppose the windmill project.

8 Our family has been coming here to the Rangeley Lakes
9 area for a century and a half. I, myself, have made this my
10 home for the past 26 years.

11 I have watched the area change immensely in the past
12 15 years and not all good. I wish I could just push my nose
13 and have it all back the way it used to be, untouched and
14 special.

15 I've listened to people comment on the changing
16 landscape and how sad it makes them feel. Most don't know the
17 half of it.

18 People in this area have depended on tourism for a
19 long time, and it is generated by the beautiful mountain views
20 and the pristine lakes. Without that we'll no longer thrive or
21 survive in this place that we call home.

22 My husband and I purchased 30 acres of land on
23 Route 16 surrounded by mountain views of Black Nubble and East
24 Kennebago. We certainly weren't expected to look at monstrous
25 windmills.

1 We are toying with the idea of having a tepee
2 campground so as not to harm our surroundings and make our
3 living in our middle age. If this goes through, why would
4 anyone want to camp looking at views to lighted windmills.
5 There goes my future.

6 We do all want -- do we all want to wait and see what
7 these proposed windmills will do, or do we do the right thing
8 and say, no, once and for all so that we can all relax and
9 enjoy this very rare and beautiful piece of earth.

10 To clear highways in our protected forests is a crime
11 and is a problem for most. I'm asking you to please say no to
12 this project.

13 Thank you. Let's not forget it's protected. We
14 really want to protect it.

15 THE CHAIR: Roger Gilmore, is he here?

16 MR. GILMORE: Yes.

17 THE CHAIR: After Roger there's Ken Spalding.

18 MR. GILMORE: Thank you for this opportunity. I came
19 over from Castine this afternoon. Our primary residence is in
20 Portland, but I'm fortunate to marry a woman with a family
21 summer cottage in Castine, so we spend a little time there.

22 I climbed Mt. Katahdin for the first time in 1953 and
23 was so impressed with the wilderness and the mountains of
24 Maine. Although I lived away for a long time, I always wanted
25 to come back here, and when a job opportunity presented itself,

1 we came here 17 years ago because of the wilderness and the
2 mountains of this state. I'm an avid hiker and I'm an avid
3 environmentalist. I just want to share a couple of
4 perspectives here.

5 This is a hard issue because it's so emotionally
6 appealing and philosophically appealing and even policy
7 appealing to be in favor of this project, but I think in a
8 broader perspective there are other more effective and more
9 efficient ways to accomplish the energy savings that so many
10 people have spoken so passionately for.

11 If we increase the miles per gallon standards for all
12 of our motor vehicles, we would be making significant headway
13 on reducing our dependency on foreign fuel.

14 There are always trade-offs in any kind of policy
15 decision, but as we look at this particular one, the trade-offs
16 don't seem to be worth the compromise to the environment that
17 this project would cause.

18 In the interest of time, that's the main thought I'll
19 leave you with. Thank you.

20 THE CHAIR: Thank you. Is this Ken Spalding?

21 MR. SPALDING: Yes.

22 THE CHAIR: And after Ken we have Steve Pierce if
23 he's still here.

24 Go ahead, Ken.

25 MR. SPALDING: My name is Ken Spaulding, I'm from

1 Wayne, Maine, and I thank you, Mr. Chairman, and members of the
2 Commission for this opportunity to speak.

3 I've been an advocate for alternative sources of
4 energy for a long time, over 30 years now, and that includes
5 just some of the bona fide people talk about.

6 One of the things that I'm maybe not most proud of,
7 but I did work in an effort to help develop the biomass plants
8 around Maine. Not everything we hoped for came true with
9 those, but we certainly tried.

10 Personally, I agree with the person who said that
11 this requires personal commitment. In 2002 I bought a Toyota
12 Prius rather than a Civic hybrid because of the distinct
13 difference in emissions between the two vehicles. So it does,
14 I also believe, require a personal commitment.

15 I'm also what you would like to call a YIMBY, that
16 is, yes, in my backyard.

17 There are people here from the area, we've heard a
18 couple people speak from the area, who are investors and
19 support the program.

20 Most people in the area don't support it. I'm sure
21 that those people from the coast would support wind power in
22 their backyard along the coast, just as they've supported it
23 here.

24 I, too, would support wind power in my backyard. I
25 support Senator Scott Cowger's development of wind power in

1 Hallowell.

2 I live in Wayne and I work in Hallowell, and I think
3 that's a very appropriate place for it from a social and
4 environmental perspective. I think we do need alternative
5 sources of energy.

6 Solar is certainly my first choice but it doesn't
7 have the same impacts that wind power does, but wind power is
8 also an important part of the mix.

9 I don't envy you your decision here with this
10 project. I know if you don't approve the project, it will mean
11 the global warming will overcome us and the earth will be
12 destroyed. And on the other hand, we've got the wilderness of
13 Maine that you'll need to desecrate if you make the other
14 decision, so I don't envy you that decision.

15 I do invite -- I know that there's been talk about
16 not being effective, not being efficient, not being cost
17 effective to develop wind power in, say, the Augusta, or
18 Portland, or Scarborough areas, Cumberland.

19 But I -- certainly Scott Cowger found it effective
20 and cost efficient, I hope, to develop his wind power and his
21 solar power there. It's a much smaller turbine certainly. I
22 don't know where the break-even point is. Certainly the tax
23 incentives make a difference.

24 When the Maine Lung Association did their study for
25 community wind power, I don't know that the State tax

1 incentives for small wind power projects were in place at that
2 time.

3 I hope that we can make a difference and provide
4 those incentives. Just as this project requires Federal
5 incentives, I hope we can provides the incentives for the small
6 project in my backyard, which is where I believe that these
7 belong, and not in these wild areas of Maine, which is so
8 important to the --.

9 This -- we're talking not about just views here,
10 although I can speak about the views in this area. What we're
11 talking about, I believe, is the essence of the LURC
12 jurisdiction and protection of that essence.

13 For a long time LURC has recognized the importance of
14 protecting not only the back country areas but the high
15 elevation areas, and I hope that you will continue to see the
16 importance of doing that to maintain the character of the Maine
17 woods.

18 I've seen some of the computer-generated views that
19 the company has provided, and I know it's natural when you're
20 doing something like this to try to minimize the effect
21 visually.

22 I served eight years with the Maine Forest Service on
23 the top of West Kennebago Mountain, looking towards Redington
24 Pond. My job was to look for things, look for smoke, and I can
25 tell you that not only was Redington Pond Mountain extremely

1 visible from there, but the fire tower way beyond that was also
2 very visible. It depended on the light. That was a fairly
3 small structure.

4 The day after that tower burned down, I noticed that
5 it wasn't there and I called in Duluth Wayne and let him know
6 about that, and it was gone. That was something that was
7 visible to the naked eye and apparent that it wasn't there.

8 I also was a trail maintainer on Crocker Mountain for
9 a number of years, and as director of Maine Conservation Board,
10 supervised projects in the Cirque on Sugarloaf Mountain, in the
11 Carrabassett Valley area.

12 It is inconceivable to me that the view from those
13 areas will not be highly affected, and I don't believe that
14 those computer-generated models, or photos, can do justice for
15 what the real view would be like.

16 I've also seen wind power in other areas of the
17 country, and there would be a huge impact there.

18 But that is not the most important detrimental impact
19 to this project. It is in fact the slide towards the loss of
20 the Maine woods and the LURC jurisdiction.

21 I would like to say -- what else would I like to say
22 that I have time for.

23 MR. WRIGHT: 10 seconds.

24 MR. SPAULDING: I wish I could tell you about the
25 history of the Appalachian Trail and that it was moved off of

1 Sugarloaf Mountain to get away from the development.

2 It was a very agonizing decision for the Appalachian
3 Trail Club at the time in the 1970s because -- but the reason
4 for doing it and the reason they finally agreed to it was to
5 get away from the existing, what was at that time, the existing
6 development with the promise that it would be in a more
7 wilderness area and that they would never have to face the
8 fight again that they would have continually with the
9 development of Sugarloaf Mountain over time if it stayed there.

10 Thank you very much for the opportunity to speak.

11 THE CHAIR: Thank you. I think you can be assured
12 that we'll hear lots of testimony about that history.

13 MR. SPALDING: I do hope so.

14 THE CHAIR: We have volumes.

15 I have on my list about 16 who still want to speak.

16 (There was a break in the hearing at 9:56 p.m. and
17 the hearing resumed at 10:06 p.m.)

18 THE CHAIR: We're going to let Mr. Tierney go ahead
19 here.

20 MR. TIERNEY: Thank you very much. I stepped out to
21 get a hamburger. I didn't know you would go quite that fast
22 but I'm back.

23 THE CHAIR: Steve is ruling with an iron hand here.

24 MR. TIERNEY: My name is James Tierney, I live in
25 Auburn, Maine, and I'm a social worker and I'm an advocate for

1 wind power.

2 I would just like to suggest that when we started
3 using oil a long time ago, we drilled some wells in some fairly
4 dumb places, and I think we did that because we didn't have a
5 comprehensive sense of the need or a comprehensive sense of the
6 resource that we were working with.

7 My sense is we don't have a comprehensive sense right
8 now of the wind resource, and in my opinion if we did, I think
9 we probably would recognize that we need a lot of turbines.

10 To put them on all the ridges around Maine doesn't
11 make a whole lot of sense to me. It seems to me we ought to
12 find a spot in the ocean and put them out there.

13 Now, I know that's going to make some people unhappy,
14 but it will give us a comprehensive place in the sense of
15 putting all the turbines we need in a particular place,
16 channeling the energy back to Cousin's Island, which is already
17 ready for transporting the energy to wherever it needs to go.

18 I would go so far as to give Endless Energy the first
19 30 sites in that ocean project so that they can make their
20 contribution, the contribution that they would like to make
21 here across the mountain, out in the ocean as a part of a more
22 comprehensive program.

23 That's my suggestion. Thank you.

24 THE CHAIR: Thank you, Jim.

25 I'm on the last page. We've had a few dropouts.

1 I'm looking for Charles Demere from St. Mary's,
2 Maryland. That's a long ways home tonight, so I don't know if
3 he's still here. Apparently not.

4 Collis Ames from Farmington. And after him is James,
5 I think it's Labreque, from Bangor.

6 MR. AMES: Yes, sir.

7 Thank you for listening to me. I wanted to tell you
8 my name is Collis Willard Ames. I was born in Farmington,
9 Maine in 1931, so that makes me pretty close to 75 years old.

10 Someone said earlier all the old folks are against
11 it. Well, I am against it but that's not particularly saying
12 I'm against it.

13 I want to tell you that I was a sergeant in the
14 Marine Corps in Korea. I'm 100 percent disabled, not that that
15 amounts to them, but I want to tell you that I'm speaking from
16 my heart.

17 When I raise my paper, the Franklin Journal from
18 Farmington, Maine, that gentlemen, is the picture of where
19 you're going to put your windmills.

20 Look at it, it's beautiful.

21 Now, let's think about the paper for a second.
22 Farmington, Maine. For back as far as I can remember we've
23 always called it the Franklin County belly ache because they
24 always put controversial things in there. Let's go to the
25 facts here, let's get the big stuff done.

1 I worked for 35 years for Central Maine Power
2 Company. I was a high line lineman, okay. It almost scares me
3 to think about climbing one of them damn things that high, and
4 I've been up 300 feet and more, some towers that we have in our
5 system.

6 Okay. Now, I know a little something about
7 electricity. All right, I can tell you that in my opinion --
8 this is my opinion -- if you went down to New Hampshire and you
9 cut every single one of those power lines right at the box so
10 that no electricity could get out of Maine and none could come
11 back in, we would have such a glut of power that you probably
12 could buy it for 2 cents a kilowatt hour. I really firmly
13 believe that.

14 Now, I also wanted to say that yes, I think that this
15 windmill business is probably a darn good idea, but not in my
16 paper, not in my Franklin County, and I'll tell you why:
17 Because they don't need the power.

18 They need it down along the coast, they need it in
19 Portland, they need it in Biddeford, they used to use some of
20 it in Strong, Maine, the world's biggest toothpick mill. Well,
21 that isn't there anymore. The building is, but it's empty,
22 it's gone.

23 Just like the shoe factory over in Wilton, Maine,
24 it's gone. There's so many things that are gone. I just don't
25 know what's going to become of this. I really don't. I'm

1 frightened.

2 But I would like to see this windmill thing. Put it
3 a little closer to the ocean. Want to get a light house put
4 right next to those windmills. Make that -- make them proud of
5 their country down there because I'm surely proud of this
6 country up here.

7 Okay, I'm going to wrap this up and tell you that I
8 don't envy you, any of you, having to make this decision, but I
9 can also tell you from my heart it doesn't belong up here. It
10 belongs elsewhere.

11 Thank you very much.

12 THE CHAIR: James Labreque. I guess he's not here.
13 Tom Eastler. Sheila McMillan. I've got a name, I think it's
14 Terry from Stratton. Anybody from Stratton by the first name
15 of Terry? I'm sorry, I can't read your last name. Lou Ann
16 Clifford. Herb Wilson. There we go.

17 MR. WILSON: Thank you very much for this chance to
18 speak with you. I'm Herb Wilson. I live in South China,
19 Maine, and I'm a professor of biology at Colby College. My
20 specialty is ornithology, and my comments tonight are going to
21 deal mostly with bird issues. I don't think they've been
22 mentioned very much.

23 My own research is centered here in this part of the
24 world. I've had a research project going on here for 16 years
25 now. In fact, global warming is driving that project, so

1 global warming is something of great research interest to me.

2 I indeed agree that it's a daunting problem that
3 humanity has to solve, and it really is a global problem, and
4 if this proposal were funded, it would be merely a drop in the
5 bucket of what we have to do.

6 It's certainly not a huge step for the planet, as one
7 of the investors said earlier, but what I want to speak to you
8 tonight about is three items that are dealing with the birds.

9 The first is the fact that these turbines will be
10 spinning around. The tips of them will be going at speeds of
11 excess of 200 miles an hour. They have a lot of distance to
12 traverse, and they do represent a problem for migrating birds.

13 We know that some birds migrate mostly at night and
14 they migrate mostly on ridges, so these represent potential
15 mortality sources for these migrating birds, and I suspect you
16 will hear tomorrow about the relatively low mortality of the
17 birds, but I want to suggest that the estimates on mortality
18 caused by rotating turbines is underestimated, for two reasons.

19 One is that many of the birds once they die fall into
20 vegetation, perhaps even in adjacent trees, and are never found
21 by searchers, and secondly, we know that scavengers find
22 carcasses very quickly and remove them.

23 So the number of birds killed by turbines is
24 certainly underestimated, and we don't really know by how much
25 at this point, but it's a concern.

1 Such is one of my three concerns.

2 The second is just the fact that there are lighted
3 towers, and I just want to give you a couple of examples from
4 the literature of bird mortality and towers.

5 Now, mostly these lighted towers don't represent a
6 mortality source for birds, particularly if the light is clear
7 during a migratory evening; however, on nights when there's
8 fog, when it's snowing, raining, birds become disoriented by
9 lights, and what they apparently do is to get confused in terms
10 of their navigational cues and they'll fly around and around
11 towers running into guide wires, into the tower itself, or just
12 flying to exhaustion.

13 So note that these towers have caused huge mortality
14 have in fact many moving parts, they just have lots. So
15 turbines or not, these high towers represent sources.

16 Let me give you a couple of examples. One night in
17 October in Florida during a very foggy night over 4,000 birds
18 were killed in a single nighttime. That sort of pales in
19 comparison to another tower in Kansas -- only 400 feet, by the
20 way -- that killed over 10,000 birds in one single night.

21 So mostly these towers don't cause any mortality, but
22 at exceptional times they do. And I can see the same sort of
23 death traps waiting for the lights that are going to be on
24 these wind turbines.

25 The third issue that I want to talk about is a

1 specific bird, namely Bicknell's Thrush, and you all are aware
2 of the fact that Bicknell's Thrush is a species of concern.
3 Only about 50,000 pairs exist in the world and they also are
4 birds of high altitude habitat.

5 In essence we can think about the habitat in Maine as
6 being sky high. They're only found on tops of mountains about
7 2,500 and 4,700 feet.

8 What's going to happen with global warming. They
9 will go up and continue the pace no matter what we do over the
10 next 30 or 40 years. We're going to continue to see an
11 increase.

12 What is going to happen is that vegetation is going
13 to march northward -- slowly but surely. In fact, a study by
14 the U.S. Forest Service last year indicated that if global
15 warming proceeds, the carbon dioxide emissions continue at the
16 same rate now until the year 2100, we will have no balsam firs
17 in Maine. There will be no sugar maple in Maine.

18 Of course, what this means is that more southerly
19 species can move up mountain sides because it's going to be
20 warmer and warmer, and what's going to happen is those islands
21 of stunted spruce, the vegetation where Bicknell's Thrush nest,
22 is going to diminish and diminish and diminish until perhaps
23 they're gone altogether, and so the species will be extricated
24 in Maine.

25 I want to end by just saying what a great idea the

1 2,700-foot mountain protection zone is, and I don't think we
2 need to set a precedent for overriding that for any sort of
3 concern. We need to protect those birds and other animals that
4 can't speak to you tonight. So for the birds, I wish to speak
5 for them.

6 Thank you.

7 THE CHAIR: Thank you. Jean Wilkinson. And after
8 that I think it's Jan Carley from Topsham.

9 MS. WILKINSON: My name is Jane Wilkinson. I am from
10 Eustis, Maine.

11 I am speaking to you tonight as a citizen, not as a
12 selectman, which I am from Eustis. I am aware that my
13 constituents do not all share my opinions.

14 I will be brief and address only three points
15 regarding my opposition to the proposed commercial wind power
16 facility at Redington and Wyman Townships.

17 First, I feel the area involved geographically is a
18 protected wilderness zone that needs to be kept as such. The
19 environmental and visual impacts will be enormous and
20 unnecessary.

21 The parts of Eustis, Coplin Plantation, and Wyman
22 Township that face the proposed site are known for their great
23 real estate values. This will most likely affect any future of
24 beauty and resale if 30 towers are built within these views.
25 By the way, my home looks directly at this ridge.

1 Secondly, I feel the area has been inundated with
2 "power promises." Cheaper, more efficient, the usual
3 propaganda.

4 In 1949 our beautiful Dead River was damned to make a
5 lake that is flowing now less than three months out of each
6 year for power. That same damn is not used for power and
7 actually could be.

8 In 1988 the Boralex power plant in Stratton was
9 built. There is a smoke stack in my view from this.

10 And now here we are confronted with yet a third
11 proposal for power.

12 Enough is enough. We were once a sleepy little
13 community in western Maine that folks thought they could take
14 over. Things are different now. We are an area of
15 recreational opportunity, natural beauty, and we intend to hold
16 onto this. We have given up a lot of our power, but apparently
17 is needed elsewhere. This brings me to my third point.

18 It is likely that this wind-generated power will be
19 sent to southern areas in New England where the greater
20 population is based, and I feel we do a fantastic job here
21 conserving electricity rather than maxing out this usage.

22 The amount of actual power produced will not be
23 enough to outweigh the amount of distress caused to our area.
24 The building of roads, placement of utility lines and poles
25 used to transmit the power, flashing lights at over 280 feet

1 atop a scenic wilderness ridgeline, and a large closed area for
2 hunting, hiking, and habitat.

3 In conclusion, I am definitely not in favor of this
4 location for the project, and I would rather see these towers
5 constructed closer to an already built up and populated area,
6 such as southern New England.

7 In other words, not in my backyard and I am proud of
8 it.

9 Thank you for allowing me to speak.

10 THE CHAIR: Thank you.

11 Jan Carley. James Albert. Melissa Shea.

12 Well, that exhausts my list. Is there somebody -- I
13 hesitate to ask.

14 MR. WEINGARTEN: Thank you for this opportunity to
15 speak about --

16 THE CHAIR: Move up to the mic.

17 MR. WEINGARTEN: Thank you for the opportunity to
18 speak about zoning petition. My name is Bob Weingarten and I'm
19 a resident of Minot, Maine, where I have lived for the past 27
20 years.

21 I currently serve as president of the Friends of the
22 Boundary Mountains. The mission of the Friends of the Boundary
23 Mountains is to safeguard the boundary mountains from
24 development and to conserve the area for traditional uses of
25 recreation and forestry.

1 The group formed in 1995 when Maine's protected
2 mountaintops were threatened by another rezoning proposal for
3 wind development.

4 I am proud to say that Friends of the Boundary
5 Mountains took the lead back then to oppose industrial
6 desecration of Maine's mountains and fortunately our mountains
7 received a reprieve.

8 That reprieve was a wake-up call for many of us.
9 Over the past 11 years, I have personally immersed myself in
10 the variables of wind power as it pertains to siting facilities
11 in the boundary mountains and other areas in Maine.

12 During these years of following wind power, I learned
13 of its many limitations and false promises, always finding
14 myself, based on the data, coming back to the need to protect
15 the mountains from such development.

16 Our group clearly recognizes that you cannot simply
17 draw arbitrary distinctions or artificial boundaries among
18 Maine's fantastic mountainous terrain and say it's okay to
19 wreck havoc on one mountain while sparing its neighbor; rather
20 we need to focus on protecting and cherishing the entire
21 mountain area of Maine.

22 For that reason our group has voted to oppose the
23 rezoning of Redington Pond Range and Black Nubble Mountain.

24 The zoning of mountaintops above 2,700 feet, which
25 was originally 2,500 feet, in the unorganized territory has

1 been regarded as an important achievement of LURC.

2 Scientific and environmental testimony from others
3 during this hearing will demonstrate why these mountains must
4 remain as an area of protection subdistricts and will
5 demonstrate how the impact of building a wind power plant --
6 including the roads, the power lines, the substations, and the
7 turbines themselves -- will forever change the character and
8 the habitat of these mountains.

9 So the obvious question is: Why would LURC even
10 consider rezoning mountaintops? Is there any public benefit so
11 compelling as to summarily dispense of years and years of this
12 protection?

13 Upon closer examination I believe that LURC will find
14 that so much of the claims and arguments of Maine Mountain
15 Power are without merit, are greatly exaggerated for the
16 benefit of the corporate profits of Edison Mission Energy,
17 parent of Maine Mountain Power, through reduction tax credits
18 and accelerated depreciation and clearly do not justify
19 changing the rural lifestyle environment of Maine people in the
20 western mountains for the feel-good benefit of others who live
21 away.

22 One such claim that has been made is the outrageous
23 falsehood being promoted by the Maine Lung Association that
24 industrializing our ridgelines will actually produce cleaner
25 air in Maine.

1 I would like to take a quick look at why this
2 argument for wind power is so ridiculous and how it actually
3 will tend to do the exact opposite.

4 First, I must tell you that I have a career of 33
5 years in health care delivery and public health in Maine,
6 including managing community health centers here in Franklin
7 County, physician practices, and providing health care
8 consulting services for the past nine years.

9 I have worked on projects for the Maine Center for
10 Disease Control and many nonprofit healthcare organizations and
11 community groups. I have worked to prevent and reduce the
12 incidence of chronic diseases in Maine.

13 I am very sensitive to that which can be done to
14 enable Mainers to live healthier lives, but putting wind power
15 plants on our mountains is not one of them.

16 I believe that by examining the specifics of the
17 Maine Mountain proposal you'll see that the only plants that
18 will actually be cut back are our renewable energy sources
19 themselves, and therefore they are not the ones that you want
20 to see cut back, and actually, the fewest emissions are from
21 those plants.

22 And Maine Mountain Power also claims that they are
23 going to reduce by 860,000 pounds of emissions per day. This
24 is false because it's based on a average plant in New England
25 and not a plant in Maine, which actually produce much less

1 emissions.

2 Finally, their plan is so exaggerated because it only
3 encompasses one-half of 1 percent of all emissions in Maine.

4 So my point is that basically it's not going to
5 amount to anything.

6 Similarly, what will happen is that we will generate
7 tax credits for Edison Mission Energy, about \$50 million to \$60
8 million over the next 10 years.

9 That tax credit will offset the profits that Edison
10 has from its coal-fired plants, so in effect it will help to
11 subsidize coal-fired plants that Edison has and is doing the
12 actual pollution here in Maine.

13 They have six plants in Illinois that account for
14 more than 5,000 megawatts of power, and they burn between 16-
15 and 20 million tons of coal per year and we are downwind of
16 that power.

17 So I would just finally say, I would suggest that if
18 the Maine Lung Association is interested in helping us to clean
19 up the air in Maine, they should make some sort of deal with
20 Edison rather than to destroy the mountaintops of Maine.

21 That's what I wanted to tell you. I'm sorry if I
22 took too much time.

23 THE CHAIR: I think with that testimony that
24 concludes tonight's hearing. Somewhere I have a prepared
25 speech I have to read.

1 Just to remind you that we're going to continue this
2 hearing tomorrow morning starting at 8:30. We will hear
3 testimony from the Applicant, government agencies, and the
4 intervenors; and there will be a second session to hear
5 testimony from the general public tomorrow evening at
6 6 o'clock.

7 So if you wish, you may come back again. We
8 certainly would welcome all of you to be here tomorrow. Many
9 of the questions that were posed here will be discussed
10 tomorrow. Whether the answers will be satisfactory to all of
11 you, that's another matter. But I think all of the
12 questions -- many of the questions that have been brought up
13 this evening will be discussed, and you might find it very
14 informative to listen to that discussion.

15 So I would encourage you to come tomorrow morning at
16 8:30.

17 With that, we'll stand adjourned.

18 * * * * *

19 (The hearing was suspended at 10:30 p.m. on August 2,
20 2006.)

21 * * * * *

22 (The hearing resumed at 8:29 a.m. on August 3, 2006.)

23 * * * * *

24 THE CHAIR: Good morning, everyone. Again, my name
25 is Bart Harvey and I'm chairman of the Commission and I'll be

1 the presiding officer for today's portion of this public
2 hearing.

3 Again for the record, I will introduce the Commission
4 and the staff. For the Commission, Steve Schaefer, Jim Nadeau,
5 Steve Wight, Gwen Hilton, Rebecca Kurtz.

6 For the staff, Catherine Carroll, executive director;
7 Marcia Spencer-Famous; Fred Todd; and Melissa Macaluso.

8 Again, today the hearing is again being held pursuant
9 to provisions in Title 12 MRSA Section 685 and will be
10 conducted in accordance with Chapter 5 of the Commission's
11 rules.

12 The hearing is being held to receive testimony in the
13 matter of Zoning Application ZP-702 submitted by Maine Mountain
14 Power to rezone 1,000 acres in Redington Township, Franklin
15 County from a mountain area protection subdistrict to a planned
16 development subdistrict for the purpose of developing a wind
17 power facility.

18 The purpose of today's hearing is to allow the
19 Applicant, intervenors, and government agencies to present
20 summaries -- and I emphasize summaries -- of their prefiled
21 direct testimony and evidence as to whether the development
22 proposal meets the criteria for amendment to the land use
23 boundaries as specified in 12 MRSA Section 685(8)(a) of the
24 Commission's statute and the relevant provision of the
25 Commission's Land Use Districts and Standards.

1 We'll first hear from the Commission staff who will
2 present a brief overview of the proposal and the administrative
3 history.

4 Following that, representatives of the Applicant will
5 then provide a summary of the proposal and their prefiled
6 testimony.

7 Following the Applicant, witnesses for the National
8 Park Service, LURC, and the intervenors will present summaries
9 of their prefiled testimony.

10 At the conclusion of the testimony of each witness,
11 cross-examination may be conducted first by the Commission,
12 then by the staff, next by the Applicant and/or by the
13 intervenors; however, Commission members, staff, and counsel,
14 who I failed to introduce to you -- Jeff Pidot, who is our
15 counsel from the attorney general's office -- may ask
16 questions.

17 As before, all the witnesses must be sworn and will
18 be required to state for the record their name, residence, and
19 business or professional affiliation -- and I think that's
20 particularly important today given the nature of the
21 testimony -- the nature of their interest in the hearing,
22 whether or not they represent another individual, firm, or
23 other legal entity for purposes of the hearing.

24 As before, everything is being recorded by a court
25 reporter, as well as our own sound system so that there will be

1 a complete record of everything said today.

2 Again, all questions and testimony must be relevant
3 to the Commission's criteria for rezoning and criteria for
4 approval of the project. Irrelevant and duly repetitious
5 material will be excluded.

6 The record -- and we talked about that last night,
7 and I'm not going to reiterate that now because we'll have to
8 talk about that at the very conclusion of the hearing, we'll
9 talk about how long the hearing record will be open -- at a
10 minimum it's probably two weeks followed by another week of
11 rebuttal and then the record will be closed.

12 If you wish to receive a copy of the final action
13 taken by the Commission as a result, you need to leave your
14 name and address with the staff.

15 At this time I would ask that all of you who are
16 planning to testify today to stand and be sworn, please.

17 (PARTICIPANTS SWORN EN MASSE.)

18 THE CHAIR: At this time, unless there are any
19 questions about what we're going to do this morning and this
20 afternoon, I'm going to ask Marcia to do the administrative and
21 the staff report on the project and review the administrative
22 history for the record. Thank you.

23 MS. SPENCER-FAMOUS: This an Exhibit 9, it's a staff
24 statement and administrative history.

25 In February of 2006 Maine Mountain Power, LLC, which

1 is jointly owned by Endless Energy Corporation and Edison, LLC,
2 submitted a petition to rezone approximately 1,000 acres
3 contained within two parcels on Redington Pond Range and
4 Black Nubble Mountain in Redington Township, Franklin County.

5 The two parcels would be rezoned from mountain area
6 protection subdistrict to planned development subdistrict for
7 the purpose of constructing a 30-turbine wind farm.

8 The matter being considered at this time is rezoning
9 the parcel in a preliminary development plan.

10 A final development plan and permit to construct a
11 facility will be considered only if the rezoning is approved.
12 At the end of the proposed planned development subdistrict, the
13 Applicant would construct wind turbines on Black Nubble
14 Mountain and Redington Pond Range, gravel access roads, and
15 utility lines.

16 Outside of the proposed planned development
17 subdistrict but associated with the project in the general
18 management subdistrict, shoreland protection subdistrict, and
19 wetland protection subdistricts in Redington Township and Wyman
20 Township, the facility would include a 34.5 kV and 115 kV
21 utility lines, access roads, a maintenance building, and a
22 substation. The wind farm's utility line would connect to the
23 existing grid at the Bigelow substation.

24 A portion of the 115 kV utility line associated with
25 the project would be in Carrabassett Valley. The permit

1 application for this portion of the line is being reviewed by
2 the Maine Department of Environmental Protection for of Town of
3 Carrabassett Valley.

4 Activities within the proposed planned development
5 subdistrict would include 12 turbines on Redington Pond Range
6 and 18 turbines on Black Nubble Mountain, approximately 12
7 miles of new gravel road and above- and below-ground 34.5 kV
8 utility lines.

9 Each turbine tower will be 260 feet tall, with a
10 30-foot diameter rotor, for a total height of 410 feet.

11 The area to be cleared within the planned development
12 subdistrict would be 106 acres during construction, which would
13 be reduced to 70 acres when operating after revegetation. The
14 total untouched area within the planned development subdistrict
15 would be 898 acres.

16 The access roads and utility lines would be both
17 within and outside the planned development subdistrict. The
18 total area to be cleared for the project, including 11 miles
19 for the utility line, would be 307 acres. The total area of
20 wetlands impact would be approximately one-third acre.

21 The administrative history. Preapplication
22 conference with Applicant, staff, relevant State agencies was
23 held in January of 2002.

24 The Applicant has consulted LURC staff and other
25 State and Federal agencies since the mid-1990s to assure that

1 agency's concerns were addressed and that all materials
2 required for the rezoning petition were submitted.

3 A pre-submission meeting with the Applicant, LURC
4 staff, and Maine Department of Inland Fisheries & Wildlife was
5 held in August of 2005, and then a pre-submission conference
6 was held with relevant agencies and other stakeholders in
7 September of 2005.

8 A draft petition was submitted to LURC December 19th,
9 2005. The staff reviewed the petition for completeness and
10 sent a letter to the Applicant describing deficiencies in
11 January of 2006.

12 The Applicant revised the petition in response to
13 staff comments and submitted Version 1.1 of the petition on
14 February 7, 2006.

15 Staff sent a letter to the Applicant and notified
16 other interested parties that the petition had been accepted as
17 complete for processing on February 8th, 2006.

18 A formal review period was established. Petition was
19 sent to State and Federal agencies for stakeholder review, and
20 other interested parties were identified. The deadline for
21 agencies and stakeholders to submit and review comments was
22 April 28th, 2006.

23 Public comments have been and will continue to be
24 accepted until the close of the record.

25 The Applicant responded to the agency review comments

1 on June 2nd, 2006.

2 LURC engaged the services of a contractor to provide
3 a third-party review of the visual assessment section of the
4 petition.

5 At the March 2006 Commission meeting, the Commission
6 granted a public hearing, although the date was not set at that
7 time because it was too early in the process to know when the
8 appropriate date would be.

9 In May of 2006 the Commission granted intervenor
10 status to 15 parties and acknowledged participation in the
11 proceedings by the National Park System as a government agency.

12 Seven groups voiced opposition to the petition; five
13 for support; and four --

14 The public hearing was set for the week of July 31st
15 at the Commission' business meeting in June. Several other
16 dates were tentatively scheduled at this time, including
17 June 8th, for the prehearing conference, to receive prefiled
18 testimony, and July 11th for Commission statements.

19 On July 11 Commission, staff members, several of the
20 intervenors, and others attended a site visit to view the area
21 where the project is proposed.

22 A prehearing conference was held on June 8th. A
23 prehearing conference order specified the date for submittal of
24 prefiled testimony, witness list, consolidation of intervenors,
25 the hearing schedule, and other procedural matters.

1 The final date for the public hearing were set for
2 August 2nd through 4th of 2006.

3 The presiding officer ruled on July 13th, 2006 that
4 in general information regarding transmission as it pertains to
5 the project and is relevant to the proceeding and information
6 on future projects is not.

7 Prefiled testimony was submitted by the parties on
8 July 14th, except for the testimony from the National Park
9 Service and the testimony prepared by intervenors for service
10 July 25th.

11 The presiding officer issued a second ruling on
12 July 25th saying that any information that the presiding
13 officer deemed irrelevant to the proceeding will be excluded
14 from the file and while preserving the right to request that
15 the information be submitted.

16 I would like to submit Exhibit 9 to the record.

17 THE CHAIR: Very good. Thank you. Any Commission
18 members have any questions of Marcia about this?

19 MR. WIGHT: Marcia, how many exhibits are we up to
20 now?

21 MS. SPENCER-FAMOUS: We have a total of 14 exhibits.
22 All the exhibits last night, all the public comments, were in
23 Exhibit 10.

24 THE CHAIR: With that I think we're going to move
25 into the presentation of the direct testimony by the Applicant,

1 and I assume that Mr. Thaler is going to at least coordinate
2 all of this for us?

3 MR. THALER: I'm going to try, Mr. Chairman.

4 THE CHAIR: You are keeping in mind the time
5 constraints that we have set up?

6 MR. THALER: We absolutely are.

7 Thank you. I'm going to ask our first two panels to
8 come up, please.

9 Mr. Chairman, we're presenting our witnesses. We
10 have 16 witnesses and four panels, so we're going to move
11 people as seamlessly as we can.

12 We also have copies of the slides that are going to
13 be presented, which are summaries, and we've given to the
14 Commission, and I will now give them to the other parties.

15 Thank you.

16 THE CHAIR: Thank you. You're going to have to pass
17 the mic around. Make sure that whoever is speaking please use
18 the microphone so everybody can hear -- can everybody hear in
19 the back? Or are we having trouble back there? Are you all
20 set? Okay, thank you.

21 So you may proceed when you're ready. The clock is
22 ticking. We have one, too, as a matter of fact over there.

23 Please go ahead.

24 MR. MANN: Good morning. My name is Randy Mann. I'm
25 responsible for directing Edison Mission Energy's wind energy

1 development business, and I've been active in the wind business
2 since 1998.

3 A project that we want to propose to you today is
4 designed to generate enough clean renewable energy equivalent
5 to meet the needs for 40,000 homes here in Maine. The power
6 will be marketed locally here in the state.

7 Our project is also designed to reduce Maine's
8 overdependence on fossil fuels, including gas and oil, which
9 currently account for about 70 percent of generation in the
10 state of Maine and contribute to air pollution.

11 Our project is designed to reduce greenhouse gas and
12 other pollution emitted by fossil fuel generation that
13 contributes to smog, acid rain, and poor air quality. Our
14 project will also generate local economic benefits.

15 We have a well developed project. From site
16 selection to turbine procurement, financing, and power sales,
17 we've completed or advanced all of the key elements necessary
18 to make a viable wind energy project.

19 Maine Mountain Power is a partnership between Endless
20 Energy and Edison Mission Energy. This structure is consistent
21 with how Edison has developed its other wind energy projects
22 around the country, combining the long history and track record
23 of Edison in wind energy with the experienced capable local
24 development and local expertise of our partner, Endless Energy.

25 Edison Mission Energy will be responsible for

1 managing the construction and operation of the project. Edison
2 has a long and successful track record in wind energy
3 operations and also in other power project operations.

4 We have about 500 megawatts under construction or
5 operation in the wind sector, and we're developing a
6 substantial pipeline of future projects. Redington will be a
7 key piece of our growth in the renewable sector.

8 Edison Mission Energy is financially strong, and
9 we're capable of funding this project. We previously stated
10 our commitment to fund the project provided we can complete
11 these permitting processes.

12 Our project company has assembled a group of industry
13 leaders who are capable of executing a high quality project.
14 In addition to Endless Energy and Edison Mission Energy, these
15 companies include Vestas -- the No. 1 ranked turbine supplier
16 in the world, who will be supplying and delivering turbine
17 equipment -- Mortensen, the No. 1 construction company in the
18 wind energy business, who will be building the project, and
19 Constellation New Energy, who has agreed to buy all of the
20 power output from this project and market it along with their
21 retail energy supplier here in Maine and in New England.

22 We've listed here a few of the criteria that are
23 necessary to develop a successful wind energy project. In a
24 few minutes Harley is going to describe the site selection
25 process in more detail and how difficult it is to find a place

1 with all of these criteria, but I want to highlight two of the
2 elements: Wind resource and transmission. These are critical.

3 If we look at the map of the state of Maine, the
4 first thing you see is that there's a tremendous wind resource
5 offshore.

6 Edison's policy has been to avoid and turn down
7 offshore wind energy projects because it's difficult to
8 construct, it's risky, it's more expensive, and creates many
9 issues that are complicated and difficult. Instead, we chose
10 to focus onshore.

11 If you look at the state of Maine, what you see are
12 very few areas of Class 4 or better wind sites.

13 The brown and white are all Class 1 or 2, which are
14 insufficient for commercial wind energy. The Class 4 through 7
15 sites are on the ridgelines, and anybody who remembers the site
16 trip from a couple of weeks ago will recall that at the bottom
17 of Sugarloaf there was very little wind. When we got to the
18 top of the ridgeline, it was quite windy. This is consistent
19 with our experience.

20 The other thing that I want to point out from this
21 chart is that there are very little transmission lines that
22 actually go into the mountain areas, so where we are and where
23 our project is located is really an important intersection
24 between where high winds exist on these ridgelines and where
25 the high voltage transmission system actually enters the

1 mountain area.

2 This is one reason why it will be very difficult to
3 build large-scale and numerous wind projects in this area.

4 It's hard to overstate the importance of getting the
5 wind right when you build a wind energy project.

6 Our site here has Class 6 or 7 winds, which are
7 really outstanding; but if we moved our site to someplace just
8 slightly less windy, you lose a disproportionate amount of
9 output and in turn you need to charge a disproportionate amount
10 in your power price to make up for that.

11 So it's really important to get the best wind
12 resource that you can, which is proximate to transmission.

13 NRCM has asked us to consider whether we could build
14 the project about half the size, 54 megawatts and one mountain
15 only. We've analyzed this issue and concluded that this would
16 kill the project.

17 The first reason is that a small project truly
18 impairs the economics, and the reason for that is there are a
19 lot of fixed costs in wind energy, including the substation,
20 transmission lines, the main access road, the O and M building,
21 and spreading those costs across fewer wind turbines hurts the
22 economics. It would require us to charge a significantly
23 higher amount for our power.

24 We've asked Constellation, the power buyer, whether
25 they would be able to amend our power sales contract to

1 incorporate that higher price, and their conclusion was no, the
2 market will not support that much of a price increase.

3 So we concluded that that situation will not work.

4 There's a lot of data on this chart, but what I want
5 to point out is that a project of 90 megawatts is not at all
6 unusual in the wind energy business. In fact, about two-thirds
7 of projects are greater than 50 megawatts and about half of the
8 projects are greater than 90 megawatts, and that's consistent
9 because projects across the country are finding that economy of
10 scale is important to be able to charge a lower amount for your
11 power.

12 The State of Maine has passed a series of policies,
13 and I want to touch on just a couple of them here.

14 First, these policies encourage the development of
15 new renewable energy resources; these policies encourage
16 reduction of dependence on fossil fuels; and these policies
17 encourage reduction of emissions and greenhouse gasses. And
18 our project will help to achieve all of these policy goals.

19 In addition to achieving those policy goals of
20 developing renewable energy, reduction of dependence on fossil
21 fuels, and reduction of emissions, our project will also create
22 other important benefits for the community and the state.

23 Those include land conservation and new access for
24 recreation, as well as the local jobs and economic benefits
25 that I mentioned earlier.

1 In terms of recreation, we know that it's important
2 to this region and we're sensitive to it. We plan to support
3 recreation.

4 One of the things that we've done is reach agreement
5 with the Western Mountain Foundation to provide them with the
6 right to build their new hut and trail system across
7 Black Nubble through our project.

8 We think this will be an interesting experience for
9 hikers to be able to see renewable energy on these ridgelines.
10 We also plan periodic educational tours and opportunities for
11 school children, just as we have done at our other wind sites
12 across the country.

13 A couple of months ago we conducted a poll, a
14 statewide poll here in Maine, and we were struck by the support
15 for our project. In fact, supporters outnumbered opponents 9
16 to 1.

17 Support was strong across all geographic and
18 demographic areas, and in particular environmental groups
19 were -- members of environmental groups were strongly in
20 support of our project. We also have collected almost 2,000
21 signatures on petitions supporting our project.

22 We've also been pleased with the support of many,
23 many organizations here in the state of Maine that have
24 encouraged and supported our project, and I want to point out
25 just one in particular, John Diller, who is the president of

1 Sugarloaf USA, has been an enthusiastic supporter of our
2 project, he's our host here today, and I think his support
3 indicates his view that development of our project will not
4 have an adverse effect on tourism here in the area.

5 We've also been encouraged by some very nice
6 editorials in a couple of Maine's leading newspapers, and these
7 editorials, I think, were passed out last night. They are
8 quite interesting reading. They balance the pros and the cons,
9 and in each case they conclude that the benefits of our project
10 are important and should be supported.

11 In conclusion, we've shown that we have the
12 sufficient financial and technical capability to build, own,
13 operate, and if necessary, to decommission, this project.

14 We've talked about why this is the best reasonably
15 available site for wind development, and we've talked about the
16 demonstrated need in terms of renewable energy, new renewable
17 capacity, pollution reduction, and the other economic benefits.

18 I'm going to turn it over to my partner Harley Lee,
19 who will describe these issues in more detail.

20 MR. LEE: Thanks, Randy. I'm Harley Lee, president
21 of Endless Energy. Before I start I would like to thank the
22 Commission for all the work you've put into wind energy in the
23 last year. You've had a couple panels go on site visits to
24 Vermont and elsewhere. I appreciate it.

25 I'm going to talk about four areas: Alternative

1 analysis, what we did to evaluate areas, sites throughout
2 Maine, actually throughout New England; how Redington and
3 Black Nubble ridge is the best reasonably available site; the
4 third area is minimization of impacts once we chose
5 Redington/Black Nubble, the steps we took to reduce our impact
6 as much as possible; and finally, mitigation of the few impacts
7 we had left.

8 Alternative analysis, as Randy said, the most
9 critical factor in evaluating a wind site is the wind. It's
10 something people tend to forget sometimes, we need very strong
11 winds.

12 We also look for adjacency, suitable topography,
13 power lines and roads nearby, issues of availability, and as
14 Randy said, elevation plays a key factor. Basically, the
15 higher you go, the stronger the winds are.

16 Most locations in Maine simply don't have a strong
17 enough wind resource and the coast really is only strong enough
18 offshore.

19 Site evaluation was conducted throughout Maine and
20 New England. We measured winds at 14 sites in four states. We
21 looked at coastal sites, we looked at mountain sites, and the
22 winds are much, much stronger on the mountains than they are on
23 the coast.

24 We've met with several Maine landowners, in addition,
25 we negotiated with Seven Islands to measure winds on West

1 Kennebago and West Twin Mountains, but ultimately we rejected
2 those because they were farther away from power lines than
3 Redington and not as close to adjacent development.

4 Redington and Black Nubble emerged as the best
5 reasonably available sites. As I mentioned, it's next to
6 existing development, it's between two large ski areas, between
7 Sugarloaf here and Saddleback on the other side. It's near
8 existing power lines, as Randy mentioned.

9 A lot of you went up to and partially up the
10 mountain, as you saw on the site tour recently. Of course we
11 were concerned about that blazing trail, but after talking to a
12 lot of hikers and environmentalists, it became quite clear that
13 they were as supportive of the project in that location as we
14 were.

15 We found very strong winds. We measured the winds
16 with ten met towers on the two mountains. Importantly,
17 Georgia-Pacific -- which is the owner of the land -- later on
18 when they sold the whole parcel to Dallas, they were unwilling
19 to sell but eventually did.

20 Once we chose Redington/Black Nubble as the best
21 available site, we set about trying to do what we could to
22 minimize the impacts.

23 We selected large turbines to reduce the total number
24 and increase our output, we created narrow road specifications,
25 our power lines would be built underground on the mountain,

1 we're using smaller transmission lines down the mountain. We
2 moved roads and transmission lines numerous times.

3 It's something we're very proud of. We got our
4 wetland impact from 20 acres down to 3/10 of an acre, just a
5 tremendous amount of effort went into that over the years, and
6 we have a plan to protect the bog lemming habitat.

7 We're removing a turbine, which will lose us \$10
8 million in revenue over the next 20 years, and we've routed
9 roads around wetlands.

10 We've also performed biological studies working with
11 State biologists and circulated our siting plan that shows
12 significant revegetation of the site after construction, and
13 turbine beds and foundations were developed for minimal
14 impacts.

15 Once we completed minimizing the impact, then we
16 turned to mitigation, both on-site and off-site.

17 Our on-site mitigation was basically with the 1,000
18 acres we own, everything that we're not using for the wind farm
19 or for a trail will be protected from future harvesting allowed
20 BMA, and off-site we'll conserve land at least equal to our
21 footprint, and of course the biggest operating impact is to
22 reduce the amount of pollution avoided, and fossil fuels have
23 not been consumed.

24 In conclusion, we looked at many alternatives.
25 Redington/Black Nubble emerged as the best available site.

1 They meet DEP rezoning requirements, they have a very large
2 energy benefits, it's a well planned development depending on
3 the wind sources that are located in Redington, it's near an
4 existing infrastructure, and we will not impact resources more
5 than other uses already allowed in the BMA district.

6 There will be no undue adverse impact of existing
7 uses, scenic values, or natural resources. There will be
8 minimized impact on-site, curbing off-site, we'll have buffer
9 effects or on-site. I'm now going to turn it over to Peter
10 here for construction.

11 MR. WIGHT: When will the Commission ask questions,
12 after each speaker? Or should we wait for the whole thing?

13 THE CHAIR: I think we wait.

14 MR. WIGHT: So the end of one panel?

15 THE CHAIR: One panel. We've got a couple more.

16 MR. GOLDBRUNNER: Good morning, my name is Peter
17 Goldbrunner and I'm with Edison, director of construction. I
18 want to give you a brief introduction to Edison's construction
19 experience and our approach to the construction of wind
20 projects.

21 The next panel up is going to provide more
22 construction details for you.

23 Over the last 20 years, Edison has successfully
24 constructed thousands of megawatts of electric generated
25 capacity in projects in the United States and around the world,

1 including wind.

2 Our construction staff has over 120 years of
3 experience in the power generation field. We found in our
4 experience that the best way to build wind projects and many
5 projects around the world is to use local contractors to the
6 greatest degree possible.

7 The local contractors have the local knowledge of how
8 to build things in that part of the world; the local
9 engineering consultants also have all the standards and
10 criteria and requirements in order to build projects in that
11 area. So the teaming of those two is essential to getting
12 projects built within regions' requirements.

13 In addition to that, because wind is somewhat
14 special, we have a nationally recognized wind contractor to
15 oversee the local contractors and manage the entire process.

16 In addition to that, to ensure quality for our
17 engineering, design, and construction, we also hire a
18 third-party engineering company to watch over them, watch over
19 the contractors, and Edison also has people assigned watching
20 over them as well. Myself and my staff do that.

21 This project -- I'll mention later as well -- we also
22 have another third party to assist us in making sure that we
23 are environmentally friendly and meet all the environmental
24 regulations.

25 On the Redington project, the general construction

1 contractor/wind specialist contractor is Mortenson; the
2 subcontractor for roads, another local contractor, is Sargent;
3 civil engineering consultant is DeLuca-Hoffman; and the
4 geotechnical subcontractor engineer here is S. W. Cole.

5 Turbine supplier is Vestas, as Randy mentioned, a
6 world renown and No. 1 supplier of turbines in the world; and
7 our environmental oversight is Albert Frick Associates.

8 The conclusion is that Edison has built thousands of
9 megawatts of power generation, including wind projects. The
10 team we've put together is experienced, a combination of local
11 and nationally recognized contractors, and the team can build
12 the Redington project.

13 With the NIMBY oversight and the oversight of the
14 parties, we are going to insure that there's minimal -- the
15 impact to the local area is as close to zero as possible.

16 Thanks.

17 MR. BULOW: Good morning. My name is Morten Bulow.
18 I've been asked today to speak about the turbine technology
19 that is planned to be used up here.

20 I've worked for Vestas for the last 10 years, and
21 this is a worldwide company that has installed more than 30,000
22 turbines throughout the world, others in similar terrain and
23 conditions to the one here, the proposed Redington project.

24 In North America we have nearly 9.5 thousand
25 turbines; and we have worldwide over 200 turbines, the exact

1 same model as the one that we're proposing to use here in
2 Rangeley.

3 That one is the V90 turbine, which is the most common
4 turbine that we have in the field. Next slide. That is an
5 overview of what we have seen at the turbine 60 feet up in the
6 air there. The blue thing in the middle is a generator that
7 actually produces the energy there. In the front is the rotor.

8 One of the concerns has been icing and how if the
9 turbine is going to withstand icing. The answer is yes to
10 that.

11 The blades have a very, very smooth surface so when
12 ice tends to build up, it will slide off, and the blade itself
13 if very flexible, so it will bend in the wind and tend to crack
14 off that ice. There are other systems in the turbine that are
15 making sure that the turbine is not damaged by icing.

16 Vestas has 38 similar locations throughout
17 North America that we propose to set up here in Redington. We
18 have a five-year service and once-a-year contract on the
19 turbine where we do the operation. So we are very familiar
20 with this set up and this is what we do in most cases.

21 Vestas had a chance to review the site conditions for
22 this, and we find the V90 to be suitable without any problems
23 for this project and giving the proximity, it will be able to
24 operate a minimum the next 20 years.

25 Thank you.

1 MR. MUSE: Good morning. My name is Ron Muse, I'm
2 director and vice president of Edison Mission, operation and
3 maintenance.

4 I have over 25 years of experience in operation and
5 maintenance, otherwise known as O & M, of power plants. I'm
6 here to demonstrate that Edison has the expertise, ability, and
7 experience to successfully operate and maintain the Redington
8 project.

9 Currently I'm responsible for the operation and
10 maintenance of 11 power plants, totalling 1,861 megawatts. Two
11 of these are wind projects, totalling 233 megawatts; a third
12 project, with 70 turbines, totally 161 megawatts, is currently
13 under construction. We are planning to take over operations of
14 that the first quarter of 2007.

15 I also have O & M oversight responsibility for 83
16 megawatts of wind power that Edison does not operate. Some of
17 these wind projects are located in Minnesota, Iowa, where
18 winter climates can be harsh.

19 The O & M for Redington will be modelled after our
20 San Juan Mesa, New Mexico wind project. Under that
21 arrangement, Edison manages environmental compliance, provides
22 non turbine O & M, and interfaces with the local utility.

23 Vestas, the turbine manufacturer, will provide
24 specialized turbine operation and maintenance and on-site
25 technicians for immediate response to warranty issues.

1 The Edison staff will consist of a plant manager and
2 a technician. The Vestas staff will consist of eight
3 technicians and a supervisor. Our preference, as with
4 construction, will be to hire local personnel for our
5 employees.

6 All employees will be trained in the operation and
7 maintenance of wind farms. When the five-year warranty period
8 is done, Edison will retain the Vestas employees for continued
9 operation and maintenance.

10 In summary, Edison has successfully operated and
11 maintained many different electrical generating technologies,
12 as it has experience in operating and maintaining wind farms,
13 including ones located in areas where harsh winter climates
14 exist.

15 Edison can successfully operate and maintain the
16 Redington project without causing undue adverse impact to the
17 area.

18 Thank you.

19 MR. THALER: Mr. Chairman, can I just clarify. We
20 thought we were going to go straight through the 90 minutes.
21 If you want to go panel by panel, I assume you'll stop our
22 clock.

23 MR. WIGHT: We can keep track of our questions.

24 MR. THALER: Okay.

25 THE CHAIR: Are you changing panels at this point?

1 MR. THALER: We have our second panel already at the
2 table.

3 THE CHAIR: Rather than -- if we do have some
4 questions, let's not go much further so we get lost here.

5 We'll credit you some of the time that we take from
6 you.

7 MR. THALER: We do have our 90 minutes?

8 THE CHAIR: Yes. Rebecca, do you have a question?

9 MS. KURTZ: Last evening there was a lot of testimony
10 for and against this particular project, and I just -- one of
11 the questions -- or one of the issues -- that was raised was
12 whether or not the power would actually stay in the state.

13 Randy, you had said that it would create power for
14 40,000 households and it would stay in the state.

15 A couple people last night said that that was not
16 true.

17 How would you address that question?

18 MR. MANN: Well, a couple of things. First of all,
19 Maine Mountain Power is a wholesaler of power, so what we do is
20 generate power on a wholesale basis and we sell 100 percent of
21 it to Constellation New Energy.

22 Constellation New Energy is retailing that power to
23 their retail customers, some of whom would be businesses and
24 other institutional organizations.

25 So I think Bruce McLeish, who's here from

1 Constellation, will speak in a few minutes and can tell you
2 more about how they're marketing that power locally.

3 Our agreement with them is to market that power here
4 locally in the state of Maine first and foremost, and that's
5 what they're doing. And I think Phil described that there's
6 been quite a bit of success in terms of marketing power here.

7 MS. KURTZ: So it's enough power to fuel 40,000 --

8 MR. MANN: It's equivalent.

9 MS. KURTZ: -- but it's not actually going to the
10 homes and business?

11 MR. MANN: It's equivalent.

12 MS. KURTZ: I had another question about down-sizing,
13 when you said it was not economically feasible, and there was
14 some discussion last night or a comment about subsidies and tax
15 incentives.

16 How would down-sizing affect those subsidies and
17 incentives?

18 MR. MANN: The primary subsidy for wind energy
19 projects is the Federal Deduction Tax Credit, which is put in
20 place to encourage development of renewable energy, and the way
21 that tax credit works is it's 1.9 cents per kilowatt hour
22 that's produced and sold.

23 It encourages efficiency, not if it's generated, if
24 we actually produce and sell.

25 So if we have a smaller project, obviously we would

1 get fewer tax incentives. But that's not -- the tax incentives
2 are generated on a per kilowatt hour basis.

3 MS. KURTZ: I think the last person who testified
4 last night indicated that tax incentives are very important to
5 helping coal-fired plants, and I wasn't absolutely clear on
6 that relationship, and I was wondering if you could address
7 that.

8 MR. MANN: Sure. The tax incentive, first of all, is
9 available to any qualified wind energy project. Redington
10 would be a qualifying wind energy project, but it's available
11 for other wind energy projects across the country.

12 As I said, it's generated when we produce and sell
13 electricity. It doesn't guarantee that we make a profit.

14 In fact, it's there for ten years that we need to
15 operate this project efficiently for many years after that in
16 order to recover our capital and make a profit.

17 What the tax incentive does is encourage renewable
18 energy by helping to make it more cost competitive; and so with
19 the existence of that tax incentive, what we're able to do is
20 charge less for our power.

21 If it wasn't there, we'd have to charge 2 or 3 cents
22 more per kilowatt hour in order to pay for the capital costs of
23 the equipment. So really it's doing exactly what it's designed
24 to do: Making renewable energy cheaper so that it can compete
25 in the market on a level playing field with other sources of

1 energy.

2 I think the connection to coal -- I'm not quite sure
3 I understood that -- but basically what it does is it reduces
4 Edison's national tax liability and therefore helps us make the
5 economics of this project work, again, by charging less for
6 power because we're getting that Federal tax subsidy just like
7 any other wind project -- charge less for the power. And that
8 obviously benefits customers here in Maine.

9 MS. KURTZ: Okay, thank you.

10 MS. HILTON: I think these are probably questions for
11 Harley.

12 Have you ever had any discussions, or do you have any
13 plans for expansion beyond this project with respect to wind
14 turbines on the mountains?

15 MR. LEE: Basically with this project we've used up
16 all the available space on the two mountains, so there really
17 is no room for expansion beyond this.

18 MS. HILTON: How about adjacent mountains?

19 MR. LEE: We really haven't looked at adjacent
20 mountains. West Kennebec is 10 miles west and is now in
21 conservation. This really completes our project.

22 MS. HILTON: You also are proposing to protect 900
23 acres from future harvesting. I'm assuming timber harvesting?

24 MR. LEE: Correct.

25 MS. HILTON: Does that include development? You're

1 protecting other types of development?

2 MR. LEE: Yes, we plan to basically do nothing with
3 the rest of the property. I'd be perfectly happy to have that
4 as a permitted condition.

5 MS. HILTON: I'm not sure who to direct this question
6 to, but I'm just wondering, the life of these turbines, the
7 minimal life, I think you stated, was 20 years, and I'm just
8 wondering, what could we envision when somebody decommissions
9 these turbines and what's involved in doing that?

10 Just a brief description.

11 MR. LEE: The design life is around 20 years but the
12 technology continues to move forward fairly quickly, so it may
13 very well be before that 20-year time period is up, it may make
14 sense to take those turbines down, sell them, and put newer
15 technology up.

16 But I think our goal here is to have a sustainable
17 energy system. The technology will come and go and change, but
18 I think the design life is -- they may last longer than that,
19 but I think it's likely that technology will change enough that
20 we replace them before 20 years.

21 MS. HILTON: That's good. Thank you.

22 MR. WIGHT: I had a question for Ron.

23 You talked about overseeing some 1,900 megawatts of
24 power generation, something just under 1,900 I believe, was the
25 number. A little bit of that was wind power. What was the

1 rest?

2 MR. MUSE: There's about 80 megawatts of waste coal
3 and about 700 megawatts of cogeneration, gas-powered
4 cogeneration, in California, and about 500 megawatts of
5 gas-powered power generation.

6 MR. WIGHT: Natural gas?

7 MR. MUSE: Natural gas, right.

8 MR. WIGHT: Harley, why is that you would protect the
9 land from harvesting? I'm in the land trust business and we're
10 always trying to preserve land but still preserve the logging
11 operations and wood product operations.

12 Is there some reason why wood harvesting is not
13 beneficial to wind power?

14 MR. LEE: We can leave that open. If the Commission
15 feels strongly that we should leave that open for harvesting,
16 it looks like that was a fair trade-off, that we would be using
17 a small portion of our land and preserving the rest.

18 If there's a better alternative, we'd be open.

19 MR. WIGHT: It seems to me in the state right now
20 we're not talking about preservation as much as we're talking
21 about conservation easement.

22 MR. LEE: We're certainly open to suggestion.

23 MR. WIGHT: Also, Harley, maybe you have the answer
24 to this or maybe it's coming up later, but I'm wondering when
25 you talk about revegetating, you talk about 32-foot wide roads

1 being needed and I'm sure we'll get into this later, but that
2 doesn't include the shoulders and the site slope easement, and
3 that sort of thing.

4 How do you revegetate or will you please tell us
5 later? Maybe that's my question.

6 MR. LEE: I think our biologist will go into that in
7 more detail.

8 MR. WIGHT: Great.

9 THE CHAIR: Steve.

10 MR. SCHAEFER: I have a question. I don't know who
11 to direct it to. It's mostly about the personnel and the
12 corporate culture.

13 When you're involved with rural Maine and you have
14 people that are representing your company, do you have a policy
15 or a track record of becoming involved with volunteer
16 organizations, fund raising, high school kids, yearbooks,
17 anything that's involved in the local community?

18 MR. MUSE: Yeah, we encourage our employees to be
19 involved with local activities. We do sponsor sports teams, we
20 provide educational equipment for schools, and donate to
21 various charities in the area.

22 We do like our employees to be involved with the
23 things that we're donating money to.

24 MR. SCHAEFER: Thank you.

25 THE CHAIR: Jeff?

1 MR. PIDOT: I just had a few questions and I'm not
2 sure if anyone in this panel can address or maybe these
3 questions can be resolved later by other panels.

4 The issue has already been raised by Commission
5 members about where this power is going to go, and
6 representations have been made that it's going to go to Maine.
7 Maine, I believe, is an exporter of power at this point and a
8 really major one.

9 There's also some prefiled testimony from other
10 parties that suggest that this power would simply displace
11 other forms of renewable power and in effect will have no
12 benefit in terms of the environmental benefits that you talked
13 about.

14 Maybe this is a question for you, Harley.

15 MR. LEE: I think the next, the fourth panel, is
16 going to go into that in some detail.

17 But just very briefly, Maine does generate a lot of
18 power, and quite a bit of that is from natural gas. I know in
19 the panel discussions, they showed the tremendously high
20 proportion of Maine's electricity from natural gas.

21 And when our wind farm is producing power, it's
22 primarily shutting off natural gas and oil. Eighty-five
23 percent of the time it will be shut down.

24 So that's an answer to part of your question. I
25 think there will be quite a bit more detail.

1 As far as marketing the power, we've made it very
2 clear to Constellation that we will emphasize Maine first and I
3 think we will address that later.

4 MR. PIDOT: In other words, I interpret your answer
5 to part of my question to be that you believe that the
6 generation of this power will displace generation in Maine, or
7 elsewhere, of power that results in carbon dioxide and other
8 pollutants going up into the air as against displacing other
9 renewable forms?

10 MR. LEE: That's primarily the case. As you get into
11 any issue like this, it gets far more complicated.

12 There will be instances, depending on where the load
13 is, where the generation is, where the hydro dams are, that
14 there may be some water kept behind the dams. That will be
15 addressed later.

16 But primarily it's fossil fuel that will be
17 displaced.

18 MR. PIDOT: A question for any panelist. There was
19 some suggestion that this type of project using this type of
20 transmission and other equipment, generation equipment, has
21 been used elsewhere in the United States or even around the
22 world in similar types of climates, mountain ridges, and the
23 like.

24 Is that correct?

25 MR. BULOW: That is correct. We have turbines

1 installed in conditions that are similar or even more severe to
2 this here.

3 MR. PIDOT: Is it time to ask questions about
4 financial capacity? Is this the panel to address that question
5 to? This is my last question.

6 Issues concerning financial capacity, as you all
7 know, have surfaced, and there is some sort of a letter that
8 indicates that through several corporate structures that one of
9 those corporations is committed in some fashion to inviting the
10 financial capacity to make this project work.

11 I believe in that letter of commitment there are a
12 number of conditions, some of which perplexed me, like, for
13 instance, the condition that this is all subject to review and
14 approval of the board of directors of the parent corporation,
15 which means that, to me, that's a condition that sort of blows
16 away the commitment.

17 So is that -- do I have that correctly in terms of
18 there being a condition to the parent corporation or a
19 corporation that its commitment is contingent upon a favorable
20 vote in the future of its board of directors?

21 MR. MANN: A couple of answers to that. First of
22 all, my company has already established a wind energy program
23 under which we have essentially pre approved a set of
24 parameters and a platform under which we would do wind energy
25 investments, and this project should fall within those

1 parameters.

2 Having said that, it is our normal course of business
3 for our company to go get a final board of directors' approval
4 when the project is fully ready to go.

5 So the answer to that question is, yes, we will go
6 back and get that final approval. This project has been
7 certainly described to the managing committee, and they're
8 quite familiar with our activities.

9 MR. PIDOT: So it's possible, then, that the board of
10 directors would decline to support the project at some point in
11 the future even if the Commission issues a permit for it for
12 whatever reason they might have in mind?

13 MR. MANN: I think it's possible. I'm not
14 representing the entire board of directors here, so I have to
15 leave it at their discretion to make their decision.

16 Having said that, again, this project fits our
17 parameters. We've obviously already extended a significant
18 amount of money developing this project, including ordering the
19 wind turbine equipment that we intend to deploy here.

20 And so I think for that reason you should have a high
21 degree of confidence that we are serious about building this
22 project and committing to it.

23 But the way my corporate organization works -- and I
24 think this is consistent with large corporate organizations --
25 we have to go through that process.

1 MR. PIDOT: Thank you for your answer.

2 MS. KURTZ: I have a question. When you define a
3 wind according to a class, what exactly is the definition of
4 class when you're referring to Class 1 versus a Class 7 or 4?

5 MR. MANN: It primarily has to do with the average
6 wind speed, and the table that I flashed up showed the those
7 average wind speeds.

8 There probably are some other issues that go into
9 that, including highest gusts and things like that, which
10 Morton from Vestas and his group would look at quite closely to
11 make sure the turbine is suitable for the site and would handle
12 the highest expected gusts, those types of things.

13 It's basically average wind speed.

14 MS. KURTZ: The reason I ask is clearly it sounds as
15 though a 4, 5, 6, and 7 would be a higher wind speed and that a
16 3 perhaps is not as high.

17 But I'm aware that there are wind farms throughout
18 the country that are operating at Class 3 winds, and I just
19 have to wonder about these -- apparently there are 14 sites in
20 Maine that are appropriate, somewhat appropriate, for wind
21 farms.

22 Just because you have a wind that's blowing at high
23 gusts and high speeds sometimes, does that make it better than
24 another site that may be having Class 3 winds blowing fairly
25 steadily?

1 What I'm getting at is, just because it's going
2 faster or there's more force behind the wind, does that
3 necessarily make it a better site?

4 How is it that these other wind farms around the
5 country are operating with a Class 3 wind speed, where you're
6 saying that only a 6 or a 7 or whatever is appropriate here?

7 MR. MANN: Two questions in there I think. One is
8 that you're correct, it isn't as simple as just looking at the
9 average wind speed and what your output would be.

10 You have to look at the distribution of wind speeds
11 over time, and over time there will be times when it is not
12 running because the winds are too low, and there will be times
13 when our project is operating at full output.

14 And so our analysis and assessment of our output
15 takes into account those distributions.

16 In terms of whether it's possible to build wind
17 projects at lower wind classes, it is, and other projects have
18 been built at lower wind classes. But you also have to
19 consider the cost of the project and the price of energy.

20 We can build a wind project in very poor wind regime
21 but because the output would be so small, we'd have to charge
22 an exorbitant amount in order to cover our capital.

23 So it's really a balance between how much output are
24 you going to get versus the capital costs of the project versus
25 the price of the power that the market can support.

1 MS. KURTZ: Is it safe to say that the expense, the
2 final expense, of putting something on a ridgeline as opposed
3 to a relatively flatter area is going to be higher on the
4 ridgeline?

5 MR. MANN: Yes.

6 MS. KURTZ: Is that valid?

7 MR. MANN: Yes, it's more costly to build projects on
8 a ridgeline than it would be in a flatter area; however, the
9 wind turbine itself is about 70 percent of the cost of the
10 equipment -- of the cost of the project, and then there are
11 development costs and other things like that, and those costs
12 would be common to any site.

13 So really the savings that you get is just in that
14 extra 25, 30 percent, the cost of construction.

15 It's not a seed change in terms of the capital costs
16 to build this project here on the ridgeline versus building it
17 in a more agricultural area, for example.

18 MS. KURTZ: Do you mean 90 -- do you mean
19 something -- turbine that's as tall and as rugged and able to
20 withstand these wind speeds, do you need a turbine that big or
21 that expensive on a plain or a farm field?

22 What's the difference in the cost versus something
23 you have to use on a mountain because of the mountain
24 conditions?

25 Seventy percent is a lot, but if it's the difference

1 between a smaller, less rugged turbine and a huge turbine is a
2 lot, then you have a cost change.

3 MR. MANN: The answer to that is, again, two parts
4 maybe. No. 1, the turbine that we're using here is, as you
5 pointed out, specific to this type of site, and it's designed
6 for a robust wind regime.

7 It's not a turbine that we would deploy in a low wind
8 environment. It's not designed for that.

9 However, the turbine that we would deploy in a low
10 wind environment and the turbine that we are deploying here,
11 costs very much -- a very similar amount in terms of dollars
12 per installed megawatt. So really there isn't a savings
13 between this turbine versus another turbine.

14 Wind turbines are expensive on a dollars per megawatt
15 basis, and that's the case whether it's a turbine that's
16 designed for a lower wind versus a turbine that's designed for
17 higher wind.

18 MS. KURTZ: I'll have to go back to that. Thank you.

19 THE CHAIR: Okay. I guess that we've exhausted
20 ourselves on this one at this point.

21 Who are we going to next, Jeff?

22 MR. THALER: We have our second panel here. We are
23 ready to start off with the construction details, engineering
24 and design.

25 MR. ANDERSON: Good morning. My name is Dwight

1 Anderson. I'm with DeLuca-Hoffman Associates. I'm a civil
2 engineer.

3 DeLuca-Hoffman is a private civil engineering firm
4 with 20 years of experience. We specialize in project
5 permitting and civil engineering design. We have completed
6 several hundred projects which require Maine DEP approvals and
7 a number of projects in LURC jurisdiction, as well as projects
8 with similar road designs to this project.

9 We have a number of professional engineers on staff,
10 and I'm confident DeLuca-Hoffman has the expertise for the
11 civil engineering design on this project.

12 We've been involved in this project for the past 12
13 years, and I, myself, have visited the site on numerous
14 occasions, including a four-day site visit in October of 2004
15 to familiarize myself with the site.

16 We've also consulted with environmental and roadway
17 consultants, including a mountain road expert from Colorado.

18 The design goals for this project are to construct a
19 safe, maintainable roadway, including project-specific erosion
20 and sediment controls, while protecting the subalpine, natural
21 water flows, fragile soils, and vegetation, while maintaining
22 the project's design parameters and limiting the project
23 disturbance.

24 The preliminary design is to avoid steep terrain to
25 the extent possible, and we have proposed additional field work

1 related to summer and fall to help support the final design of
2 this project.

3 We've used a toolbox approach to the details. This
4 will help us fit on-site conditions when encountered. Numerous
5 details will allow us to adjust back slopes and fill slopes, as
6 well as drainage design details to fit into the most
7 appropriate design for the roadway.

8 I've also used aerial topography and
9 computer-generated slope maps to assist us in developing the
10 preliminary roadway and alignment as shown on Exhibit 3 here.

11 This is a slope map of Black Nubble. The black lines
12 that you see running through here are actual roadway
13 alignments.

14 Turbine locations are circled here, and what is
15 represented by the darker shades are areas with very steep
16 terrain, and the lighter colors represent areas with more mild
17 topography, so you can see we've attempted to stay within these
18 lighter colors as much as possible to limit project impacts.

19 The next slide shows Redington. Similarly, the road
20 alignment stays within the lighter colors as much as possible
21 to limit the project impacts.

22 We've also minimized blasting, cutting, and filling,
23 and earth works to further limit the project impacts.

24 This slide here shows representative sections
25 throughout the project area, from areas with the steepest

1 slopes encountered to areas, again, with more mild topography
2 representing cuts and fills associated with this work.

3 Preliminary roadway alignment fits the natural
4 topography of the mountains and preserves scenic qualities of
5 the surrounding land to the extent possible.

6 We've consulted with State authorities throughout
7 this preliminary design process, and we've minimized wetland
8 impacts with our preliminary design. The details included by
9 the maximum flexibility to fit the mountain and also maximize
10 the use of existing roads.

11 This is a figure showing a portion of the base map.
12 Of interest here is this red line coming down in. You recently
13 had a site visit to the site and actually traveled these roads
14 in from Route 16 in by the maintenance center, split to
15 Black Nubble and split to Redington.

16 All these areas here represent existing roads to get
17 us as near as possible, and it's not until we reach these
18 points where we have to build new roads on mountaintops and
19 access roads up to the turbine sites.

20 Roadway design details include a maximum grade of
21 14 percent, a minimum turning grade is 115 feet. We've
22 included the use of a number of manufactured materials to
23 supplement the roadway section, and also developed a narrow
24 road specification for this project to help minimize the
25 impacts.

1 Turnouts for construction equipment are proposed
2 every half mile. This is to tie into getting our roads ready
3 for equipment and safety.

4 Erosion control design details intended for use on
5 this project are listed here on this slide. These are typical
6 Maine DEP best management practices for erosion control and
7 have been reviewed by Al Frick, the project soil scientist, and
8 he agrees they're appropriate for use on this project.

9 We also intend to use environmentally safe soil
10 stabilizers, and erosion control mix material will be the
11 preferred treatment for revegetation.

12 This slide shows a typical turbine site. Turbine,
13 dotted line is the foundation, this would be the crane,
14 staging, and pad area here. It's 50 feet by 160 feet.

15 This area here represents about a half acre of
16 disturbance associated with this site, and it's important to
17 note here that the green shown here -- this is actually post
18 construction -- where we would come in and put down this
19 erosion control mix and allow revegetation to occur over time.

20 This is also true beyond 12 feet of the roadway line.
21 The dotted line shown here is a 32-foot width. We'll be
22 narrowing that down to 12 feet post construction showing the
23 project sensitivity to the environment.

24 Storm water design details include frequent
25 culverting, ditch turnouts, inlet and outlet, flow dispersion

1 grounds, and water bars spaced as needed along the roadway
2 alignment.

3 We've also included a number of groundwater design
4 details, included stone sandwiched cross drains, piped cross
5 drains, and post construction pipe cross drains. These
6 provisions will result in generalized flow, and do not replace
7 storm water control measures.

8 The next figure represents what these look like.
9 Where seeps and hydrology occurs here, we'll convey that across
10 the roadway either in a stone sandwich or a pipe.

11 The design results keep the hydrology intact by
12 maintaining groundwater flow, protects the soils from erosion,
13 and also are appropriate based on water flows on limiting their
14 disturbance.

15 In conclusion, I would like to note the revegetation
16 of all but a 12-foot width of the access summit roads will be
17 allowed to reduce post construction storm water run-off flows
18 and improve water quality and insure the Redington project has
19 no undue adverse impact.

20 The project is feasible from a civil engineering
21 standpoint, and I'm confident DeLuca-Hoffman and I can complete
22 the civil engineering design so as there is no undue adverse
23 impact from the project.

24 Thank you.

25 MR. BERGLAND: Good morning. My name is Brent

1 Bergland. I'm a construction executive for M. A. Mortenson
2 Company, a Minneapolis, Minnesota based corporation.

3 Today I'm going to present our qualifications, our
4 construction methods, and how we will address the road
5 sedimentation controls.

6 To begin, Mortenson is a North American wind power
7 construction expert. The company's been in business for 52
8 years and has been involved with wind for nine years.

9 We've been involved with over 3,000 megawatt wind
10 projects.

11 We've constructed 35 to 40 percent of the projects in
12 the US and Canada.

13 We've worked on many projects with mountainous
14 terrain and winter climates. In fact, 60 percent of our
15 projects in 2006 and 2007 will be located in mountainous
16 terrain. Examples would be Hawaii, West Virginia, the state of
17 Washington, and the province of Ontario.

18 As a construction executive, I have primary
19 responsibility for this project. I have 11 years of
20 construction experience, with the last four and a half years
21 dedicated to wind power. I've been involved in approximately
22 1,000 wind megawatts.

23 Mortenson designs and builds their wind projects.
24 That means we're 100 percent responsible for the engineering
25 construction for all facilities. Our 44 projects have been

1 competed this way. This approach of the project is different
2 than publicly funded projects but consistent with other wind
3 projects.

4 With Mortenson taking the lead, a significant part of
5 our team is already set. We have DeLuca-Hoffman, our civil
6 engineer, and Sargent Corporation, our road construction
7 subcontractor. Both are local and have mountain and winter
8 experience.

9 To touch on the design stats, the design is
10 75 percent complete, which is more than normal at this stage of
11 the project. As Dwight discussed, the toolbox approach allows
12 us to address changing conditions in the field, and we have
13 commenced work on finalizing the design.

14 Proper erosion and sedimentation controls have been
15 engineered. We are proactively coordinated with the agencies
16 throughout all stages and will continue to do so in the future
17 to alleviate any concerns about engineering or construction
18 methods.

19 LURC's goals and policies will be followed.

20 To conclude, we are bringing to this project
21 experience of successful completion of 44 wind projects in 14
22 states and one province.

23 Our project team is highly qualified and has
24 significant project experience in mountainous terrain in cold
25 climates.

1 We'll use the toolbox approach to anticipate, manage,
2 and negate all potential construction issues. Therefore, we're
3 very confident we can design and construct the projects in a
4 manner that will result in no undue adverse impacts.

5 Thank you.

6 MR. FRICK: Good morning. My name is Albert Frick.
7 I have over 30 years' experience in the practice of soil
8 science and site evaluation in Maine. I've mapped thousands of
9 acres and designed over 15,000 septic systems.

10 To date I've worked on 103 LURC projects, both large
11 and small. My clients include on the Federal level the
12 US National Park Service, US Navy, and President Bush.

13 On the State level I've worked for Maine Audubon,
14 Maine DEP, and Trusts for Public Lands.

15 And on the local and corporate level I've worked for
16 L. L. Bean, Poland Springs, Tom's of Maine, Sugarloaf, and
17 hundreds of small and large property owners throughout the
18 state.

19 I have the experience and ability to recognize and
20 identify soil characteristics, and I've assisted the civil
21 engineers in developing erosion and sediment control
22 applications.

23 I've worked on the field -- I've worked on this
24 project since 1993 and in the field covering a span of 13
25 years.

1 During that time we have studied the soils and the
2 site and have found that the following soil characteristics and
3 limitations need to be respected and have been addressed in the
4 soil profile in the project layout and design.

5 Those are: Short growing season, surface water, and
6 perched groundwater drainage, and the mitigation is deep
7 slopes.

8 These issues have been addressed by the erosion and
9 sediment control details proposed by the project. The design
10 team has done an in-depth analysis and consultation with civil
11 engineers, engineers experienced in mountain road construction,
12 geologists, excavating contractors, and erosion and sediment
13 control experts.

14 We have met with LURC and DEP staff and listened to
15 their ideas and concerns. We have incorporated input from the
16 parties in the design of a toolbox of erosion and sediment
17 control techniques.

18 Contrary to opposing testimony, wetlands and soil
19 resources will be adequately protected through proven erosion
20 and sediment control techniques.

21 There will be no undue adverse impact to the soil and
22 regarding soil erosion and related soil hydrology.

23 The access roads, the maintenance buildings, the wind
24 power sites are designed and placed properly for the underlying
25 soils.

1 The erosion and sediment controls will appropriately
2 address the soil characteristics and suitability. Revegetation
3 techniques have been proven to be successful in similar
4 settings, such as this.

5 The higher elevations are actually less susceptible
6 to erosion problems because they're higher in the landscape
7 with less up-slope drainage to deal with. They tend to be
8 shallow bedrock soil conditions, which make them more stable,
9 and they also tend to be not as steep.

10 In those positions it does -- they are beneficial in
11 that regard.

12 In conclusion, the project design and proposed
13 construction plan is suitable for the underlying soils. The
14 assorted erosion and sediment controls, drainage, and proposed
15 construction techniques will adequately address the soil
16 suitability and soil potential for the proposed undertaking.

17 It is my professional opinion as a certified soil
18 scientist that the proposed design will not have an undue
19 adverse environmental impact on the surrounding soils and
20 environment.

21 That concludes this panel.

22 THE CHAIR: Thank you. Questions from Commission
23 staff? Go ahead, Gwen.

24 MS. HILTON: I didn't hear any discussion about the
25 transmission lines. I don't know, is there any installation of

1 those? Is that coming later?

2 MR. BERGLAND: The transmission lines are part of the
3 Mortenson scope of work, including the 34.5 kV line and the
4 115 kV line down at the Bigelow substation.

5 MS. HILTON: Isn't there soil disturbance involved in
6 that as well? It seems -- I don't recall, some of them are
7 going underground. Are they going underground adjacent to
8 roads? Or is this part of the road project?

9 MR. BERGLAND: To connect the turbines, that power
10 system is underground, and once it leaves the Endless property,
11 it goes overhead to the substation. It's still overhead from
12 the substations to Route 27, and then it transitions to
13 underground.

14 Then to answer your other question about soil
15 disturbance, the disturbance offered by an overhead line is
16 that there is tree clearing but it's not nearly what -- it
17 can't be spared.

18 MS. HILTON: But you are putting lines underground,
19 though?

20 MR. BERGLAND: Yes, but that's within the same
21 footprint of the road.

22 MS. HILTON: Of the road, okay. So that explains
23 that.

24 I guess my last question is for Mr. Frick.

25 With respect to the revegetation aspect of this on a

1 high mountain area with steep slope and the fact that you do
2 have soils that are shallow, certainly not your normal soils in
3 other areas for revegetating with conservation mix or whatever
4 you're using, how long does it take once you actually lay down
5 the conservation mix or material for that grass -- or any
6 grass -- to be established?

7 MR. FRICK: It could be -- that's a good question.
8 We looked at this with the LURC regulators and the design team,
9 and we actually took a day field trip and looked at north of
10 Stratton near the Canadian border on some road sites that were
11 up at or slightly below 2,700.

12 Those areas had been planted down using a local
13 erosion and sedimentation control mix in late August, and the
14 catch was substantial. There's a photograph in the submittal
15 that shows that.

16 We feel comfortable that if the seeding gets down in
17 the reasonable part of the growing season, that vegetation can
18 take place during that time period; however, the LURC staff and
19 others were concerned about using conservation mix in the upper
20 elevations above 2,700 as far as introducing invasive species.

21 So then Woodlot Alternatives, plant people, looked at
22 customizing perhaps a selection of mix that would be more in
23 tune with that setting. That would be what might be used in
24 the higher elevations.

25 As far as answering your question as far as

1 revegetation, growth can happen in that time period. I feel
2 within one or two seasons you'll have a pretty good coverage
3 for vegetation.

4 MS. HILTON: So in the interim there's some
5 stabilization of it?

6 MR. FRICK: Right. Yes. What we're relying on very
7 heavily is protecting those surfaces with a mulch or materials
8 to protect it from erosion.

9 That would be intrinsic in the plan.

10 MS. HILTON: Has consideration been given with
11 respect to whatever kind of mulch you're using and the fact
12 that is a very windy area? I have some experience with it on
13 my own.

14 MR. ANDERSON: Actually, the Maine DEP has
15 specifications for erosion control mix. In these areas we
16 actually add a netting and staple that down. In certain areas
17 it's a very legitimate concern.

18 MS. HILTON: Okay, thank you.

19 THE CHAIR: Steve.

20 MR. WIGHT: I'm also concerned about the revegetation
21 only because that seems to be the answer given whenever any of
22 the public are concerned about the width of the roads that have
23 to be put up. They're going to be 32 feet, but they're going
24 to be revegetated back to 12 feet.

25 But as I look at the cross sections, they're a lot

1 more than 32 feet because you've got slope issues, you've got
2 riprap, you have ditches for water runoff.

3 Can you revegetate those, or will they be open riprap
4 and open stone ditches?

5 MR. ANDERSON: What we have in the design right now
6 is a toolbox, multiple details, and we do have riprap as an
7 option, as well as seep and embankment slopes.

8 Also even at 2 to 1, we've proposed to use an erosion
9 control mix stapled into the subgrade so that erosion control
10 mix would be for areas where we can achieve the disturbance
11 that we're looking to maintain for the project, as you note,
12 the sections that were drawn.

13 We do propose to use a lot of that erosion control
14 mix in areas where we can. In other areas where we want to
15 minimize disturbance, we will be using the riprap.

16 So it will be selected depending upon the review of
17 the visual assessment team as the project moves forward in the
18 final design.

19 We certainly have a number of options available and
20 intend to revegetate as much as possible.

21 MR. WIGHT: Thank you. I'm trying to get some
22 information into the record because it appeared to me there
23 were a lot of misconceptions from the public last night, but
24 some of them may be valid; and I think some of the concerns
25 were the visual impact -- not just of the towers -- but of

1 areas that have to be harvested and used to create roads and
2 what will happen to them in the future, and the pat answer
3 seems to be, they'll all be revegetated. But my understanding
4 is that you can't revegetate everything.

5 So I guess we're going to look at what is going to be
6 seen from the ground of these riprap slopes and things like
7 that. Is that going to be adding to the visual problems that
8 we discussed?

9 MR. ANDERSON: I would just point out that we've
10 coordinated -- spent a lot of time with DeWan, the regrowth
11 consultant, and they'll actually be representing what we intend
12 the project to look like, incorporating the revegetation and
13 other slope measures that also will show.

14 MR. WIGHT: He's here?

15 MR. ANDERSON: Yes.

16 THE CHAIR: Just a point of clarification from
17 Mr. Frick.

18 You said the comment about the areas at the top of
19 the mountain aren't as much of a concern because they're
20 flatter or something. That doesn't seem to square with what we
21 saw on the map. I'm not sure what you're trying to tell us
22 there.

23 MR. FRICK: What I'm trying to tell you is that as
24 you get on the shoulders of the mountain, the higher
25 elevations, with the access road that DeLuca-Hoffman has laid

1 out, you walk the alignment, as you get higher in the
2 elevations, the alignment of that road tends to be more on the
3 drainage divide or right up a ridge, ridges that tend to be
4 convexed.

5 The higher you go, the less up slope drainage that's
6 coming down intercepting that road you have to deal with.

7 So it makes some of the erosion and sediment control
8 and stability issues less of a problem because you have less
9 water, you have less speed, less movement, coupled with the
10 fact that some of those soils -- not all -- but some of those
11 soils are also shallow bedrock, so you don't have as much
12 sediments and cuts to erode.

13 Then as you get on the very tops of the ridges, you
14 have more level plains.

15 THE CHAIR: Thank you. Jeff, did you have any
16 questions of this group?

17 Anybody else? Rebecca.

18 MS. KURTZ: Mr. Frick, I think you said that you were
19 working with Woodlot Alternatives to come up with a mix that is
20 not a standard erosion control mix but something different.

21 Can you describe the composition in terms of the
22 species in that mix?

23 MR. FRICK: No, I can't, but I think Woodlots will be
24 on later in the panel. They can address it more. They were
25 looking at that specifically. Dwight can speak to it better.

1 MR. ANDERSON: Woodlot's going to touch on this when
2 they come up as well, but what I would like to say is we get up
3 to about 2,700, the proposal is to put down erosion control
4 mix, some from a supplier with non evasive species and some
5 that are supposed to be processed right from the site.

6 And that material put down would be allowed to
7 revegetate. We would be adding some grass seed and a lot of
8 that. We would be looking for the balsam fir and those types
9 of species to come back native to the area.

10 Steve will add to that in his presentation.

11 MS. KURTZ: Are you saying you're going to actually
12 harvest some of the plant material that's already up there and
13 then replant it?

14 MR. ANDERSON: It would actually be processing stump
15 grindings and the materials that come off the mountain, seed
16 and such in it that it would be allowed to revegetate because
17 it would actually be within the mix.

18 MS. KURTZ: One of the characteristics of this high
19 alpine vegetation is it's extremely slow growing, fairly
20 fragile, so I'm wondering how that fits in with the one- or
21 two-season projection of your revegetation plan.

22 MR. ANDERSON: I think it's probably best to let
23 Steve weigh in on that.

24 MS. KURTZ: You indicated that wherever possible
25 you'll revegetate and things like that.

1 Do you have an estimate though? You must have some
2 feel for how much can be revegetated. This site has been
3 studied for years now. There must be -- it's very easy to say,
4 yes, we'll do it whenever possible. It's certainly a merit,
5 but what is the percentage that you perceive that you'll be
6 able to vegetate with a native -- I'm assuming a native species
7 so that there's not --

8 MR. ANDERSON: Yep, we've looked at that, and the
9 goal is about 50 percent of what will be able to revegetate on
10 the roadway, as well as a the side slopes.

11 That could be lowered to 40 percent but we're
12 shooting for 50 on the project.

13 As you can see in the green here, we've looked for
14 total revegetation on the crane pad sites, as well as the flat
15 surface of the roads and the unknown, if you will, is how much
16 of the side slopes we can pick up, because we are going to need
17 to use a lot of blasted rock in those but we'll also be able to
18 put the erosion control mix in certain areas.

19 So we are looking at approximately 50 percent. It
20 might be slightly lower or it might be a little bit higher.

21 MS. KURTZ: So you're losing 50 percent of the
22 vegetation, as a minimum, probably 50 percent of the native
23 vegetation that is in there specific to this habitat?

24 MR. ANDERSON: Within the disturbed area, you know,
25 up top, which is the disturbed area about 2,500, for instances,

1 there are 136 acres, so it will be somewhere in the order of
2 50 percent.

3 MS. KURTZ: And I think you said you're going up to
4 27- to look at some revegetation at 2,700 feet. I think the
5 term you used in similar settings and you mentioned 2,700 feet.

6 How much work have you done? Have you investigated
7 this -- it sounds as though similar doesn't include anything
8 over 2,700 feet. What are you providing for us?

9 MR. FRICK: We've looked at those sites. They were
10 right at 2,700 feet, and what we're relying on is other types
11 of projects that have been in those areas like ski areas and
12 forestry cuttings that have had disturbance.

13 If you go back and look at what kind of growth is
14 taking place after that, it does regenerate.

15 MS. KURTZ: But this project goes up to 4,000 feet,
16 though.

17 MR. FRICK: Correct.

18 MS. KURTZ: So there would be another 1,300 feet that
19 we're not sure how successful vegetation will be?

20 MR. FRICK: The key to revegetation is stability for
21 erosion and sediment control. If you have the area secured,
22 mulch -- and I've used the word augured -- protected either
23 with a soft mulch or with rock fragments, you will get growth
24 that will come, be it in a year or two years or so, but it will
25 regenerate.

1 But the key for protection is just keeping the area
2 stabilized to allow for regeneration. You have natural growth
3 up there and it will reoccur.

4 MS. KURTZ: Regeneration of the native species or the
5 erosion control methods?

6 When you talk about revegetation, it sounds as though
7 you're saying the erosion control mix. I'm concerned that this
8 is a, you know, this is a specific ecosystem with very specific
9 vegetation that grows there, and it sounds as though you're
10 saying, well, we're going to remove it but we're going to
11 replace it with something else.

12 I'm kind of looking at the undue adverse impacts.

13 MR. FRICK: The erosion and sediment control mix will
14 include in there a significant amount of organic duff and
15 organic matter that's already around and will be salvaged and
16 reused in that top dressing. It's a perfect material for that.
17 Organic materials, you know, leaf materials and so forth.

18 And in with that there's spores and roots and
19 regeneration of the natural material that will regenerate,
20 coupled with Woodlot Alternatives -- and I think you'll hear a
21 lot more of the details when Woodlot Alternatives comes up --
22 has a replanting plan on some of these sites as far as the
23 trees and so forth.

24 There's soils up there, it's called a mahoosic soil,
25 it's actually fractured bedrock that has slid down the side of

1 the mountains in certain areas. All it is is basically organic
2 matter on top of fractured bedrock. And this area is highly
3 vegetated.

4 So even some of the steeper slopes that have been
5 used with riprap and so forth, if you have organic material,
6 organic duff, or in the holes or the pockets with that
7 material, you can get regeneration that will soften some of
8 that, that look, as far as hard rock on the face and also those
9 things will occur.

10 THE CHAIR: Dave Rocque, is he here somewhere hiding?

11 Why don't you come down front, Dave. I guess this
12 might be an appropriate time to ask.

13 Dave is a State soil scientist. Am I saying that
14 right?

15 (Mr. Rocque was sworn in.)

16 THE CHAIR: Dave, I think, as I've listened to this
17 discussion, I'd like to try to encapsulate it a little bit.

18 To me there are two issues here: One is we're
19 getting bogged down in a big discussion of the revegetation,
20 simply the control of erosion along the roadside structures and
21 that sort of thing; and the second question, which is getting
22 merged into the first question, is revegetation, that visual
23 that has some visual impact to soften the roadside, crane pads
24 and that sort of thing.

25 So there's kind of two questions here.

1 MR. ROCQUE: Right.

2 THE CHAIR: Am I saying that correctly?

3 MR. ROCQUE: Exactly.

4 THE CHAIR: So maybe you'd like to address them
5 separately so we can try to keep them from being confused here.

6 MR. ROCQUE: Right, okay. This was a subject that
7 was kind of near and dear to my heart. I started looking at
8 these projects back when it was Kenetech 10 years ago, 15 years
9 ago, I guess, and there was a lot of concern about No. 1,
10 stabilizing the area as soon as possible.

11 That's a pretty harsh environment, about twice as
12 much precipitation as lower elevations, it's steep, highly
13 erodible, and I got thinking about some of those issues, plus
14 the fact that what was the native vegetation growing there, and
15 it's almost never growing in mineral soil, it's growing in
16 organic matter.

17 Organic matter accumulates there because of the cool
18 temperatures, so microbial decomposition is slow. So the best
19 solution to encouraging native vegetation would be to simulate
20 what it normally grows in, and that erosion control mix which
21 is highly organic, woody materials, low pH, would be similar to
22 that native material.

23 As I've looked at those areas through forestry
24 operations and going on site, I've looked at these potential
25 wind power sites, the vegetation that's natural there comes in

1 very quickly once the site has been disturbed if it has a
2 suitable seed bed.

3 So the erosion control mix made a lot of sense to me.
4 You put it down and it's immediately effective. If you put
5 down loam, the loam has to be protected and may or may not be
6 protected and may erode, and this erosion control mix is
7 immediately effective.

8 It simulates the natural condition. It doesn't have
9 the same look. If you had a yellow-ish/green grass growing up
10 there, that would be an aesthetic issue. This is dark colored
11 and it's looks like the dark ones that would blend in.

12 So it's a great native material, and I think
13 naturally it will reseed itself. So I was not concerned about
14 what was to be used for seed mix; but I personally prefer this
15 to be used in most cases on the mountain.

16 Once you get off the mountain that's a different
17 story.

18 MR. WIGHT: Can you define this erosion control?

19 THE CHAIR: Excuse me, Steve's question was could he
20 describe the erosion control mix.

21 Is that fair, Steve?

22 MR. WIGHT: Right.

23 THE CHAIR: Dave will do that.

24 MR. ROCQUE: A term that's been used for many years,
25 called erosion control mix that was developed by the Soil

1 Conservation Service, which is a grass seed mix.

2 This material is not a grass seed mix. What it is is
3 basically stump grindings. It's elongated wood fibers with a
4 little bit of soil to hold it in place. It's very resistant to
5 erosion. It's woody material that will decompose over time, so
6 that's the material we're talking about and it can be made on
7 site.

8 It's not wood chips. Wood chips are small and light
9 and they float. This is elongated fibers that intertwine and
10 so they kind of walk in place, and as soon as you put it down,
11 it's immediately effective at preventing erosion, anytime of
12 year -- spring or fall -- you don't have to worry about the
13 grass seed catching and what it looks like.

14 I also suggested with the Applicants, through this
15 process, that this might be a suitable material to place on
16 riprap faces because riprap faces might be an aesthetic issue,
17 it might provide warming of runoff water just to prevent that
18 from happening, and over time you will get native vegetation of
19 that material because there is a natural soil, I think Albert
20 Frick mentioned it, called mahoosic soil, and that's organic
21 material that becomes established on top of basically rocks and
22 boulders and then vegetation becomes established in it.

23 So you could end up with a natural type of a soil in
24 an unnatural situation.

25 So I think it's a -- in my opinion that's the best

1 solution possible for erosion control that I would suggest,
2 versus loam and seed, particularly the mountains.

3 THE CHAIR: Thank you.

4 MR. WIGHT: Thank you, Dave.

5 THE CHAIR: Rebecca, go ahead. Are you comfortable?
6 Dave, thank you very much for clearing that up.

7 THE CHAIR: Are we going to another panel now, Jeff?

8 MR. THALER: Yes, Mr. Chairman, we are. This is our
9 third panel, which is generally the undue adverse impact panel
10 relating to the wildlife, wetland, and visual impact.

11 THE CHAIR: Are we going to hear from everybody that
12 was in this prefiled testimony?

13 MR. THALER: Yes. Yes, in terms of they're
14 summarizing.

15 THE CHAIR: I understand. I'm kind of confused
16 because you've changed the order of how this book was laid out.

17 MR. THALER: I understand. You're going to hear from
18 everybody. The only one, Mr. Folster, who is here from Sargent
19 Corporation, gave prefiled.

20 He was here to respond to any questions. In the
21 interest of our time schedule, he didn't speak.

22 Go right ahead. It's time to talk about what it
23 looks like.

24 MR. DeWAN: Thank you, Mr. Chairman.

25 THE CHAIR: Go right ahead. Please introduce

1 yourself.

2 MR. DeWAN: My name is Terry DeWan, I'm a landscape
3 architect. I'm with DeWan Associates in Yarmouth. With me is
4 Amy Bell Segal. She and I are both registered landscape
5 architects. We've been working on this project for the last
6 decade.

7 We have a long history of working with visual impact
8 assessment projects in the state of Maine. Among our
9 accomplishments is working with the Department of Environmental
10 Protection under current standards, which looks at scenic
11 regulations.

12 A brief overview. We've looked at a 15-mile study
13 area, investigation of potential impact of this project. We
14 found that within this area less than 5 percent of the visible
15 area may be able to see the project, and most of these areas
16 are within the background of the viewing distance.

17 We've also found that the planning and design issues
18 that will be used throughout the project that you've heard
19 about so far have minimized the visual impacts to the maximum
20 extent possible.

21 The wind farm will be visible from portions of the
22 Appalachian Trail; we found that 9 percent of the places that
23 you would see it starting at Bigelow moving down to Saddleback.

24 In looking at the LURC regulations, we concentrated
25 on a number of key issues: Will the project block or interrupt

1 scenic views as people travel on ways.

2 This is a diagram of our 15-mile study area. As you
3 can see, the protective circle is the outer one that goes
4 through Rangeley Lake on the left there, and going to Oquossoc,
5 shows a very large area.

6 Within that we've looked at all the resources from
7 public waste, from the water bodies, and public lands. As part
8 of our project what we've done is photo simulations or
9 visualizations. We have one of the scenic byway right here,
10 the red to give you sense of what it's going to look like.

11 A couple of contexts: The United States Forest
12 Service has developed a scenery management system, and they
13 talk about the foreground, the middle ground, and the
14 background landscapes.

15 There are no public viewpoints within the foreground
16 in the immediate half-mile range. There are some views in the
17 middle ground about four miles away. The background is where
18 you find most of the view.

19 A concept that we've also developed to give you a
20 sense of how big it is in various places is called relative
21 height. You extend your arm out about 24 inches, roughly
22 arm's length. We've used the term relative height.

23 In other words, 4 miles, the terminal, will be about
24 a little bit less than half an inch high at 4 miles.

25 A couple of slides to show you the work of our

1 assessment. Looking up Route 16, for example, this is
2 Black Nubble. Looking at the scenic byway just west of
3 Rangeley, here we're at between 10 miles, where the closest
4 turbine is, to 14 miles away.

5 Up on Eustis Ridge, 11 miles away, 13 miles away,
6 relative height. Here .16 inches. A little bit less than a
7 quarter -- 1/8 of an inch in height.

8 It's also interesting to look from this particular
9 viewpoint what other cultural changes are visible in the
10 landscape. For example, 4.3 miles away you can see the biomass
11 plant in the town of Stratton. The stack, by the way -- which
12 you can barely see right there -- is 295 feet tall. As we've
13 heard this morning, the bases for the turbines are 260 feet
14 tall.

15 Another standard we've looked at, of course, how
16 those structures are located divide the landscape to minimize
17 the visual impact.

18 Well, let's take a look at some of the components.
19 We've seen the turbines themselves, made, of course, of the
20 base themselves and the blade.

21 The V90 -- and I have to speak here as a designer --
22 is what we consider to be a very clean, attractive form. With
23 a tapered base, the blades -- which are highly engineered, is
24 an example of the aerodynamic design.

25 The color is going to be white, and when you see it

1 on a day like today, the background sky, they will appear to be
2 a very light shade of gray. We feel it will blend very well
3 into the background.

4 The other interesting thing about this slide, and
5 we've heard some of the intervenors talk about the amount of
6 clearing that you need around the base for airflow. That may
7 have been true in earlier models of wind power.

8 The current design will have these turbines emerging
9 right out of the ports. There's not going to be a large amount
10 of clearing underneath the base.

11 This is a view from Mt. Abrams at about 4.1 miles to
12 the nearest turbine. This is an example of how we've been very
13 sensitive to the landscape looking at ways to minimize any
14 unnecessary extraneous elements.

15 We looked at ways to establish visual order in the
16 landscape, making sure the turbines are a consistent height and
17 that the cells are also consistent height so they parallel the
18 lines of the mountains that they sit on, that there are minimal
19 views of the infrastructure that can be developed in
20 conjunction with the project.

21 You see any roads here, they mirror the existing road
22 network that's seen already in the landscape. For most of the
23 views you will see roads and transmission lines in very distant
24 background views. These are repetitious, simple, we feel, very
25 attractive forms.

1 This view is done by the National Parks. It looks
2 like Eric Crews, who I believe is here today. It's not one of
3 diagrams, and also very importantly, not what we're proposing.

4 However, this demonstrates the process that we went
5 through. As you've heard other people talk about, an effort to
6 evaluate options for siting of roads by the transmission lines.

7 In this particular case at one point we did look at a
8 road on the north side of Redington Mountain; however, we felt
9 that it would have resulted in potential visual impact on
10 portions of the Appalachian Trail.

11 As a result of that, we moved the road on the other
12 side. What does that same view look like? Back in '98 we
13 visited it and then did a photo simulation. This is what you
14 would actually see.

15 The previous diagram, by the way, was a
16 computer-generated model. This is an actual photograph.

17 To get to the question of how fast vegetation grows
18 in this area, we went back there a couple of months ago. This
19 is the same view eight years later.

20 As you can see, there's been substantial amount of
21 vegetation that's grown up. The view that may have occupied
22 your view shed for a couple of seconds, now it's a mere glimpse
23 as you go over the top of North Crocker.

24 We've heard a lot of talk about the toolbox. This is
25 an enlargement from one of the white slides from before. As

1 you know, we have an area here that we've cleared for the
2 access road. This shows how revegetation may be put in place.

3 The key notion here is that yes, we may be clearing
4 100 feet in width, but visually we're at the same relative
5 horizontal elevation after five to ten years. When
6 revegetation occurs through here, you'll only be seeing 20 feet
7 of the riprap.

8 Now, as we just heard from Dave Rocque, it may be
9 possible to add the erosion mix on some of the riprap surfaces
10 up here if you get vegetation to be established in some of
11 these areas.

12 Again, as part of the toolbox -- and these sort of
13 vary -- may be more inclined and can actually go in and do more
14 cutting here and do away with some of these side slope
15 conditions.

16 Again, these are all part of the toolbox that we have
17 available.

18 We are burying 2,500 feet of transmission line. It
19 comes down the mountain and goes under Route 27, so people who
20 are embarking on the Appalachian Trail from the parking lot
21 right here will not be able to see it.

22 There is an opportunity to see it. People are very
23 interested in how wind generates electricity. Some of you saw
24 it in Searsburg.

25 The Appalachian Trail, of course, commands very

1 specific examination, indelibly, high quality visual
2 environment. People who hike the trail for varies reasons also
3 experience many other cultural modifications within the area.

4 In terms of scale, the Appalachian Trail is the
5 purple line that goes through here, 34 miles. It goes from
6 Bigelow down to Saddleback down here.

7 There are other things within that 4-mile area.
8 About 1,800 acres of land are presently cleared for both
9 Sugarloaf and Saddleback ski areas. The Sugarloaf Golf Course
10 is right here.

11 Here's our project, Black Nubble and Redington right
12 here. Within 4 miles, within this mid-ground viewing distance,
13 we've made an inventory of some of the things which are
14 present. Timber harvesting, we've talked about the ski areas,
15 you are able to see portions of the Navy facility from the top
16 of Saddleback.

17 This is the view taken from Sugarloaf Mountain at a
18 distance of less than 3 miles away. It's a simulation. Again,
19 you can see the turbines in the background there.

20 From the top of Saddleback Mountain you can look down
21 and see the ski area. Through purposes of identification, the
22 base lodge down there is about 1.5 away. Here's some ski lifts
23 and trails up on Saddleback Mountain.

24 Within this 34 miles we have measured about 3.2 areas
25 where it might be possible to see it from roughly 9 percent of

1 the distance.

2 This breaks down about 32 miles. About 1.3 miles I
3 was in the middle viewing distance within 4 miles. Most of the
4 views, about 8 percent, are within the background. I basically
5 did that to demonstrate this of course.

6 Visibility is tempered by haze, as we saw on
7 July 11th. We did some data collection from the airport in
8 Rangeley and found that during July, August, September are the
9 primary hiking times that you do find the least amount of
10 visibility. That is your average visibility taken from
11 Rangeley Airport.

12 Types of views that we find. We talked about it in
13 terms of the inventory where you get filtered views. These are
14 places we look through trees, through some brush, see views.
15 These grounds are background.

16 Focus views. There are a couple of places where we
17 do find focus view, for example, from the Cirque below the
18 Village of Sugarloaf; and finally we find panoramic views.
19 These are 360 degree views. It's important to note that the
20 wind farm itself, 34 percent of the view -- 34 degrees, roughly
21 9 percent of the view.

22 We did surveys. We found out that 60 percent felt
23 that the use of wind power will have either no effect or a
24 positive effect on hiking.

25 We go into a lot of the discussion about lighting,

1 but the basic thing to understand is that the turbines
2 themselves will have -- half the turbines will have light on
3 top of themselves. The lights themselves will not move. They
4 drops below the horizon.

5 In conclusion, we felt that there will be no impact
6 on scenic and recreational resources. The impacts have been
7 minimized to the maximum extent possible. There will be no
8 unreasonable interference in scenic or recreational uses, and
9 the project will not result in an undue adverse effect on the
10 scenic character of the area.

11 Steve Pelletier?

12 MR. PELLETIER: Hi, good morning, my name is Steve
13 Pelletier, Woodlot Alternatives. My colleague, Bob Roy, is
14 here with me today. Both Bob and I are certified wildlife
15 biologists. Both of us, along with five other people from
16 Woodlot Alternatives, have spent a great deal of time on the
17 mountains since this project began.

18 Our brief listing of some of our related experience
19 is right here.

20 Just briefly I'd like to talk about the developments,
21 the survey process. I'd like to talk about some of the
22 resources of the primary concern. The bottom line is going to
23 be that this project, after a great deal of work, the project
24 is not posing an undue adverse impact to these natural
25 resources.

1 Prior to getting out in the field, we spent time
2 talking with the regional biologist, State biologist, US Fish &
3 Wildlife Service biologist to study a plan and a protocol.
4 Both Maine Audubon and NRCM were involved with that review
5 process.

6 We conducted both general and targeted surveys of
7 different species. Some of these were year-round, some
8 multi-seasonal, and we were coordinating with all the other
9 project members involved in this.

10 A brief list of some of the field services that were
11 conducted. Habitat fragmentation is obviously an issue. Terry
12 DeWan just described from the content of the local landscape
13 conditions.

14 In the late 1970s this area, along with a number of
15 other areas in Maine, were affected by the spruce budworm
16 epidemic.

17 Subsequent to that we had a lot of activities from
18 industrial-scale forest operations. Some of these harvests are
19 up to 3,200 feet in elevation. They are generally high volume.
20 A lot of the places are clear-cut operations. They involve
21 extensive haul skid roads.

22 We've also got both Saddleback and Sugarloaf here
23 within 5 miles of the project. One of the reasons why this
24 project is located where it is is because of its proximity to
25 existing roads and existing transmission lines.

1 The ridgeline itself is where it's a natural area.
2 The Maine Natural Areas Program has classified it as a
3 subalpine, fir, birch habitat. It's not alpine habitat.

4 It's dominated, it's almost exclusively dominated by
5 thick young small diameter balsam fir. There is limited
6 ecological plant diversity up here.

7 Just in terms of the designation itself, this is not
8 something that is considered a peril for critically impaired
9 and analogous to being here. We also believe that there's a
10 number of other fishing sites here in Maine that have not been
11 tracked and documented.

12 Next please. I want to spend just a minute on this
13 slide here. This is -- to help put the fragmentation into
14 context, we've got three areas -- you'll see the same polygon
15 shape on the next slide here -- but you'll notice that the
16 first one to the left is the contiguous acres around the
17 project area above that land mass. It's above 2,700 feet.

18 You'll see over in the corner here we've got the
19 two -- the footprints of the project area.

20 Of that contiguous acres -- a little over 21,000
21 acres -- of that contiguous land block up there, we will be
22 initially impacting .64 percent of that land mass. At the end
23 of the day, .4 percent of that will be permanently altered.

24 The next slide shows -- no, I'm sorry, would you go
25 back -- the next polygon shows the forested habitat that

1 remains within that same 2,700-foot elevation.

2 The green is that that's unfragmented forests. The
3 white areas have been affected by harvesting. It also includes
4 on the Sugarloaf over here.

5 Of that forested habitat that exists now, .95 percent
6 of that will be impacted and at the end of the day 6/10 of
7 1 percent will be permanently altered.

8 Black Nubble -- if I just focus on just the Redington
9 and Black Nubble areas, there's about 4,800 acres of that area
10 itself; 2.83 percent of that will be impacted and permanently,
11 1.7, 1.8 percent.

12 I also want to comment on the analysis that was done
13 by AMC. What we've got here is a little busy, but the data
14 layer for the existing road systems in white around the project
15 area and the black lines, which were developed by AMC in their
16 trying to develop an understanding of the roadless areas.

17 That's what those black lines -- we've taken those
18 areas, and those were from 2000 satellite imagery.

19 We've laid those two layers on top of our own
20 analysis that we did, which was a 2003 aerial photo. You can
21 see the differences right away.

22 Again, you'll see that polygon that I'm talking
23 about. The green represents the forest areas, the yellow are
24 for areas that have been harvested or otherwise affected. And
25 you can see two areas I want to talk about a little bit.

1 This area right here, you can see the incursion or
2 the cutting that's happened between 2000 and 2003 -- never mind
3 2006 -- that are on these. We also know there's another area
4 over here that's also been harvested.

5 Next slide, please. If I focus specifically on the
6 Redington area and I use the same process that AMC used in
7 determining what is a roadless area, there is a block right
8 here that constitutes a bottleneck by their own definition.
9 I've got one here in the north, I've got one here in the south.

10 Next, please. What that does is it completely
11 eliminates the whole Redington area from the road to this area
12 that has been designated. This is already ready right now for
13 this project being up here. Again, our impacts are less than 1
14 or 2 percent.

15 Next, please. Rare species. We targeted
16 specifically on these number surveys that were done.

17 Next. Just quickly about the Canada lynx, it's
18 something that because of the forest cover conditions, because
19 of what's growing, it's great habitat, and we've got good also
20 regional habitat for lynx in this area if they choose to use
21 it.

22 Golden eagles, we don't have large oak crops, we
23 don't have some of the areas that they like to forage in.
24 Again, that species we spent a lot of time looking for that.

25 Bicknell's Thrush, relatively common in this

1 particular type of habitat. It's not a forest interior
2 species. It focuses a lot of its time on edges. Some studies
3 indicating nest locations within 5 meters of some of these
4 trails.

5 North bog lemming, we've done a lot of work --
6 there's a focused area where we spent a lot of time with this.
7 It's a limited habitat. We spent a lot of time in terms of
8 avoiding minimizing this.

9 A new lease agreement that has just happened in the
10 last week or two announces 15 acres where we can even push this
11 back from the environment from what you've seen.

12 Next, please. To talk specifically more about
13 Bicknell's Thrush habitat, this is Stratton ski area in
14 Vermont. What it shows is here is the top of the mountain,
15 over here, and a whole series of trails, ski trails, that are
16 going down the mountain in this place in this direction.

17 These points over here represent marked locations and
18 relocations for Bicknell's Thrush that were radio tagged.
19 Notice the concentration of these birds. Notice that they're
20 all along these edges. Notice they are still existing in this
21 area that is highly fragmented.

22 Next, please. If we take our project that -- here's
23 a sample segment on Black Nubble -- lay it on top of that, look
24 at the scale, difference of impact related to what exists. I
25 submit that if the Bicknell's Thrush can persist in these kinds

1 of fragment conditions, that it will continue to persist with
2 this level of alteration.

3 Next, please. Bog lemming habitat, again, I want to
4 show that the green area represents the direct wetland area
5 where you're going to be finding these bog lemmings. The ones
6 we found are in this particular area.

7 What we've done, a number of alterations, including
8 taken a road from out between the two over to here, and now
9 with this 15-acre acquisition, we can put it here and probably
10 even move it back beyond that.

11 Next, please. We've done a lot of resident migratory
12 work while we've been out there. Folks see a lot of native
13 species.

14 Next please. Some of these surveys, because it's a
15 constantly developing process, we have been working with IF & W
16 in particular and making sure that our assessments are proper.

17 Some of our ceilometer surveys indicated that there
18 was a greater concentration along the coastal areas than in the
19 inland areas. That was just a starting point to try to figure
20 out what was going on.

21 The acoustic surveys that we did indicated that there
22 was more focused concentration of birds approaching the
23 mountain at lower levels than the higher levels. It doesn't
24 say that the birds still won't be flying over the top, but what
25 we did show is that there was a -- our radar data documented

1 that there was a marked preference to avoid high ridgelines.

2 Birds still will be flying high over, but there's a
3 lot of other studies that are relevant to this -- a lot -- show
4 that these migration levels are typically at 3- to 500 meters,
5 which are well above our 125-meter turbine height.

6 Next, please. In terms of bats, we did a study in
7 2005. We documented relatively low activity levels.

8 The harsh habitat conditions up there -- again, a
9 small band of fir, we don't have nice roosting trees that these
10 things like to particularly forage in, the cold temperatures,
11 the high winds -- will limit the bat population and limit the
12 insect populations up in these areas.

13 There's a lot of other data that helps to support
14 that, including some post construction mortality surveys. At
15 some of the new facilities, they're showing that all these
16 together, that there's a low risk of mortality. Again, no
17 undue adverse impacts on birds or bats.

18 Next, please. Wetland stream. We've done quite a
19 bit of work out there over the years on mapping, not only the
20 routes we've got here, but a number of other routes we've
21 investigated.

22 In response to some intervenor comments, we went back
23 out in the field and took a look specifically at a number of
24 problem areas, and we found that the intervenors themselves did
25 not correctly apply the jurisdictional criteria. We do

1 recognize there are hydrologically sensitive areas, and we will
2 be protecting those.

3 Next, please. In terms of LURC's jurisdiction, there
4 are .14 acres of temporary fill -- I'm sorry, permanent fill,
5 4.5 acres of cutting impact.

6 We have the use of 500 and 1,500-foot corridors
7 that's going to further reduce wetland and fragmentation
8 impacts. We are going to be treating all sensitive areas as
9 regulated by industry. Our final development plan will be able
10 to show it even in more degrees because of that.

11 In conclusion, it's not pristine, unfragmented alpine
12 forest habitat. The bog lemming habitat, we've done quite a
13 bit to avoid and minimize; the Bicknell's Thrush, there's a
14 tolerance and frequent use of some of these manmade edges; and
15 the post construction -- cutting since 2000 basically indicates
16 that this right in here is disconnected from adjacent roadless
17 areas.

18 No undue adverse impacts to natural communities --
19 wetlands, streams, rare species, or resident wildlife, and
20 migratory wildlife.

21 Finally, I just want to say that one of the things
22 that some of the most significant threat to high elevation
23 forests and speaking of Bicknell's Thrush, independent climate
24 change and some of these air emissions that we're dealing with,
25 this project represents a clean renewable energy source that

1 will clearly offset those impacts.

2 Thank you.

3 THE CHAIR: Do you have any questions, Steve?

4 MR. WIGHT: We heard some concern last night about
5 the effect of lighting, the attraction for birds.

6 Can you speak to that?

7 MR. PELLETIER: Yes. Lighting has been shown to have
8 an effect on migrating birds. These are usually -- the
9 catastrophic events that have been documented that have been
10 tied to lighting are largely associated with very tall
11 communication towers.

12 These are towers that are 200, 300, up to -- I think
13 the highest are -- right around 670 meters, it's almost half a
14 mile high.

15 Those are towers that require multiple sets of
16 lights, both blinking and staying on full-time, and it's also
17 associated with poor weather conditions.

18 Certainly in an area like this, you can expect some
19 poor weather conditions; but again, the fact that these lights
20 are low, only about 80 meters off the ground, bird migration
21 experts found that a number of New England mountaintop or
22 ridgeline locations to be 3- to 500 meters above these areas.
23 Birds are flying higher than that.

24 Also, on those nights of poorest weather, there's far
25 fewer birds that are in the air. They just choose not to fly

1 on those night. It's not good conditions for them. They wait
2 for clear nights with good winds that are carrying them in the
3 direction they want to go.

4 So lighting can affect bird mortality.

5 Again, the largest events happened at very tall
6 towers, much taller than what these wind turbines are.

7 MR. WIGHT: 80 meters is the top of the tower? It
8 would be like on a cell?

9 MR. PELLETIER: It would be on top of the cell, which
10 is sitting on top of the tower.

11 The cell height might be a few meters tall as well,
12 83, 84 meters. Not at the very top of where the blades are.

13 MR. WIGHT: I think that some of the people last
14 night were under the misconception that these things are going
15 to be flood lit.

16 We understand that there's one light on each of 15 of
17 the 30 towers?

18 MR. PELLETIER: Yes, half the towers.

19 MR. WIGHT: Pulsing red light?

20 MR. PELLETIER: (Indicates yes.)

21 THE CHAIR: I assume that perhaps we'll hear a little
22 more about this, and this is particular to Steve, later on.

23 Obviously you're aware of some of the other
24 intervenor comments and one of them -- one wonders when we read
25 this whether we were looking at the same place on the face of

1 the earth.

2 So you've -- I'm assuming that perhaps both of you
3 are going to try to work each other over on this issue, because
4 I think we need some clarification on the huge disparities in
5 what a stream looks like.

6 I guess I have to express my disappointment in this
7 issue that we would end up so far apart.

8 It leaves us -- you're making us the experts when you
9 come in with information like this. That's just a comment.

10 So I'm hoping that your cross-examination, and that
11 as well as the intervenors, will help elucidate us a little bit
12 on this issue.

13 I assume that your remarks that you made, brief
14 remarks, are addressing this issue.

15 Do you want to say anything on that?

16 MR. PELLETIER: No, we'll definitely talk about these
17 issues.

18 THE CHAIR: Thank you.

19 MS. KURTZ: I have a question for Mr. DeWan.

20 If I heard correctly, you were talking about trying
21 to set up the towers so that the towers were all at the same
22 elevation and the towers will sort of minimize, I think, the
23 visual impact; and I'm thinking about the topography of the
24 mountains and wondering what did you have to do to make certain
25 that the mountain makes all these cells line up?

1 MR. DeWAN: What we're looking at is the end result.
2 From the flood of simulations you can see roughly the surface
3 of the mountains reflected by the cells.

4 That's not to assume that we're making major
5 modifications to allow that to happen. It's the way that they
6 were sited that they do seem on the ridgeline.

7 So we are not making changes to cause that to happen.

8 MS. KURTZ: So it sounded as though you had designed
9 it that way to make them all about the same height; now you're
10 saying that it just happens to be where they're going.

11 MR. DeWAN: One of the principles in designing wind
12 farms is to make sure that there's a linear relationship
13 between the ridgeline and the height of the cells.

14 Because these are mostly on the ridges just follows
15 that the cell, which is roughly 80 meters above the ground
16 surface, will follow that same line.

17 MS. KURTZ: So you didn't have to level parts of the
18 ridgeline or raise part of the ridgeline?

19 MR. DeWAN: That is correct.

20 MS. KURTZ: It just happened that way?

21 MR. DeWAN: That is correct.

22 MS. KURTZ: I had a question about the Vermont ski
23 area, how trails are cut on a ski area versus how they will be
24 cut for this project.

25 I assume that ski area trails are cut one at a time,

1 maybe not all the same place at the same time, to allow past
2 movement for birds from one place to another, whereas this is
3 all going to be done in one fell swoop.

4 Is that -- is that really a good comparison regarding
5 a ski area that's being cut versus something that's going to be
6 done all at the same time?

7 MR. PELLETIER: This study was 1994/95, some of the
8 work that's been done, and it's working with what's on the
9 landscape at that time.

10 The bottom line is that these Bicknell's Thrush are
11 continuing to use that fragmented habitat in all those
12 different areas.

13 There's some recognition that distances greater than
14 50 meters may start posing a restriction for Bicknell's to be
15 moving across, but again, that's well above what the openings
16 that we're going to be creating with our project.

17 My point is that these Bicknell's Thrush are
18 persisting, they're continuing to inhabit and use, reproduce on
19 those areas in Stratton.

20 Our project represents a much greater or a much less
21 replicated event.

22 MS. KURTZ: Another bird question. You said that
23 most of the birds are flying at the shoulders of the mountains
24 rather than the ridges, but some of them are flying 300 meters
25 above.

1 What is it that -- why -- this question except that
2 it's -- for them to get 300 meters above the ridgeline and
3 they're flying through the shoulder, don't they to pass through
4 that area of turbines and blades? You can't get through the
5 shoulders to the ridgeline without passing through something
6 100 meters.

7 MR. ROY: Yes, I think I understand your question.

8 The work that's been done recently in the northeast,
9 forest mountainous areas is indicating that bird migration,
10 nighttime bird migration, is fairly complex in these types of
11 areas.

12 We've got sites where we've documented from a valley
13 bog and used radar at the same time ridge tops are using radar.

14 What this information shows is that they're a subset
15 of birds that choose to just get as high as possible and go
16 completely over all landscape features. And that starts
17 wherever they happen to start.

18 We do know that birds very quickly get to the
19 altitude that they want to fly at. They very quickly go up to
20 that height and they spend the night at that height and they
21 come down in the morning.

22 Now, there is also that subset that chooses to stay
23 lower. These could be, we don't know. It's dark and they're
24 very small birds. We have no idea what species they are
25 necessarily or how old they are, why they're choosing to fly

1 like this.

2 The work that has been done, either on shoulders or
3 on valley bottoms, is indicating that those birds are generally
4 to be below the ridgeline. Even when we're there on site, we
5 can step outside our radar truck or our radar shack, we can see
6 the silhouette of these mountains around us, and the birds'
7 eyesight is far better than ours, and they can see those as
8 well.

9 A lot of those studies are showing that a predominant
10 proportion of the migrants that are staying low within the
11 confines of these valleys are choosing to follow courses that
12 don't lead towards the ridgeline.

13 Migration is a very energetically costly procedure
14 for birds, so they choose to migrate at night because it's a
15 more stable medium to fly and it's cooler so they can --
16 they're flapping their wings, they're generating a lot of body
17 heat. It's cooler, they can stay cool.

18 It only makes sense that a bird who is choosing to
19 stay down in the valley would not expend the energy to go up to
20 these ridgelines. It's going to get to the height that it
21 wants, either it's over the ridgeline or down in the valley,
22 and it maintains that flight.

23 Now, of course, there is that subset that if they're
24 just going over the ridgeline, they will pass over the
25 ridgeline.

1 A lot of radar studies out there do document the
2 percentage of targets -- and we call them targets because
3 they're birds, they're bats, they're even insects -- we
4 document the percentage that are flying below that turbine
5 height, and it's variable between sites, but it's usually just
6 a small proportion, usually between 2 and 12 percent; often as
7 low as zero or 1 percent. On nights where it's really good
8 migration weather, they get up high and they just go all night
9 long.

10 Other nights, certain sites, there may be as many as
11 20 percent or maybe even a little bit higher; but over the
12 course of the season it's usually between 2 and 12 percent of
13 those targets, even over ridgelines.

14 The mean flight height is anywhere between 3-, 4-,
15 5-, 600 meters above those ridgelines. The overall percentage
16 flying below that tends to be pretty low on a seasonal basis.

17 MS. KURTZ: I have a question for Mr. Mortenson.

18 You said there were, I don't know, a lot of
19 misconceptions, a lot of folks were concerned about the visual
20 impacts, and one of the sentiments expressed is this project
21 would literally blow the tops off the mountains.

22 I just need to know if you can substantiate that, the
23 concern that you're taking the tops off the mountains, you were
24 taking significant volumes of material off the mountain or
25 digging into the mountain to put up these turbines.

1 There's nothing to counter that, so I'm asking if you
2 could address that contention.

3 MR. DeWAN: I know that when we were involved in the
4 Kenetech project quite a few years ago, because of the shape of
5 the mountain and the relatively shorter wind turbines, there
6 was a need back then with the shorter turbines to literally
7 take the trees off the top of the mountain, and I don't recall
8 the exact width. It was probably in the neighborhood of a
9 300-foot width.

10 I know that in reading one of the intervenor's
11 comments there was a concern that we would have to clear
12 something in the vicinity of 200 feet on either side of the
13 turbines just to account for that level of turbines.

14 That is not the case of in this design. The Vestas
15 V90 is of sufficient heighth and it's above that turbulence
16 range. You'll have to ask the Vestas engineers to talk about
17 that.

18 But one of the advantages of using this type of
19 machine is that it does literally protrude out the tree line.
20 There is not the need to blow off the top of the mountain to
21 account for smooth air flow.

22 THE CHAIR: Jeff, did you have a question?

23 MR. PIDOT: Terry, this is going to be a long
24 question. What I'm going to do is make a few statements
25 quoting from different parts of the prefiled testimony on

1 issues that are related to your study, and then at the end I
2 will just say comment as you will.

3 The first thought that came to my mind -- this is my
4 thought not attributable to anybody else -- was that you
5 indicated that this would only affect, visually, about
6 9 percent of the AT view shed because the rest of the view shed
7 is in the woods.

8 So one of the things that you might think about in
9 responding when I'm all done here is isn't that 9 percent the
10 9 percent that brings the hikers there? People who are hiking
11 the AT are not hiking just in the woods, they're hiking for the
12 view. That view is that 9 percent. That's my thought.

13 I want to turn now to -- I'm ignoring for the moment
14 because it will be well presented later the views of
15 proponent's project that are NGOs and their studies that
16 conflict with yours, but looking at two things, one being the
17 prefiled testimony of James Palmer, who's independent and was
18 hired by the Commission to evaluate your work, Mr. Palmer has
19 some nice things to say about your work, but he also says these
20 things.

21 He says, While the visual impact analysis sets the
22 context for scale contrast by noting that the mountains and
23 lakes are large, trees are the proper standard of comparison.
24 By this standard, turbines present the very significant scale
25 contrast.

1 He also says, While not in itself normative judgment
2 of good or bad, there is no question that turbines offer an
3 extreme scale contrast to other landscape objects.

4 Those are relevant parts of his prefiled testimony.

5 Finally he says, The bottom line is that there are
6 several places where the arc, which is the project, turbines
7 are close enough to the AT and the trail's placement as such
8 that many of the turbines will be clearly visible as middle
9 ground objects in the landscape even though they may be on
10 background ridges.

11 We also have uncommonly powerful prefiled testimony
12 from the Federal government. I'm not used to seeing the
13 Federal government give this kind of testimony. You know what
14 I'm talking about. First from Pamela Underhill on behalf of
15 the National Park Service. She's the superintendent of the
16 entirety of this trail system as you know.

17 She says, To date seven wind power projects have been
18 proposed within 10 miles of the Appalachian Trail. We have
19 opposed none of them.

20 So this is the singular event for the National Park
21 Service. She also reflects, of course, upon the independent
22 study of Eric Crews -- hopefully we'll hear from him sometime
23 today -- which concludes using the technology or the
24 methodology of the Park Service, Forest Service that the net
25 effect on the AT is unacceptable, and I believe the term that's

1 used is it's an unacceptable modification.

2 Finally, I will reflect upon the Commission's own
3 standards for a change to this zone, which will require, among
4 many other things, that the change reasonably assure that those
5 resources currently designated within protection subdistricts
6 will receive protection that is substantially equivalent of
7 that under that original subdistrict designation, which in this
8 case is high mountain district, as well as the PRR district on
9 the Appalachian Trail.

10 So it's a very long list of things for you to comment
11 on as you will. They all have question marks at the end of
12 them. I'm not your adversary, but these things need to be
13 responded to, I think.

14 Thank you.

15 MR. DeWAN: Do I have a time limit here?

16 PARTICIPANT: You can take as long as I did.

17 MR. DeWAN: Thank you, Mr. Pidot.

18 To address your first question, the 9 percent and
19 what that means, I must agree. As a hiker myself, I go to
20 mountains to enjoy the view. It's part of the experience.

21 Part of the experience from our perspective is
22 getting up the mountain, looking at the Manushi, looking at the
23 trail, looking at the periodic views, the vista overviews, the
24 open views.

25 Part of it also is getting a sense of the cultural

1 landscape. I think that's a term that's used in some of the
2 information from the Appalachian Trail.

3 One could look at this as an extension of us and the
4 people. This is part of our cultural landscape. We see ski
5 areas, we see roads, we see man-made lakes and Flagstaff Lake.
6 There's a lot of other things that people are aware of.

7 People will come here, we feel, even though they
8 wouldn't be able to see the wind turbines.

9 We've heard many people talk about in other parts of
10 the country and other parts of the world people are attracted
11 to these types of installations.

12 When I was a Searsburg several years ago, I was
13 really awestruck by standing beneath them and being in a place
14 where electricity is generated. We just have to look at other
15 installations throughout the state of Maine -- power plants,
16 Maine Yankee, with their visitor centers -- to know that energy
17 production facilities are very powerful. There is something
18 almost magical about being in a place where electricity is
19 generated.

20 I don't know if that answers your question, but, yes,
21 you're right, the 9 percent represent the most significant part
22 of the trail but we have to keep in mind that it's not in your
23 face all the time the entire 34 miles. In many of those
24 instances, you're not seeing full open views, you're seeing
25 filtered views.

1 And lastly, most of the views are what we call in the
2 background viewing distance, Again, using that scale comparison
3 that it's roughly less than half an inch in height as we saw in
4 the photo simulations.

5 To address Mr. Palmer's comments, the methodology
6 that is used in assessing visual assessment -- the one that Jim
7 has used, the one that Eric Crews has used -- for the most part
8 are designed to look at more plainer, more closer-to-the-ground
9 changes to the landscape: The installation of roads, forest
10 cutting practices, and so forth.

11 As Jim Palmer says, this is a very large object. We
12 are not denying that, with the top of the turbine over
13 400 feet.

14 However, this is a very large and in many places
15 quite a dramatic landscape, and we feel that there is a scale
16 relationship between the size of the objects and the background
17 landscape, that they will be visible. But in terms of their
18 scale, we feel that they will fit.

19 Now, there's a certain amount of subjectivity, and I
20 certainly don't envy your job here, you being the
21 Commissioners.

22 The question is: What is that point at which you say
23 this is undue?

24 We wish that there were some form that you could use,
25 some way of measuring what is an acceptable level of visual

1 impact.

2 We've used methodologies that are part of the DEP's
3 regulations right now. We've heard other people use the Forest
4 Service methodologies. We've come up with different opinions.
5 I think probably it's all based upon an observation and what is
6 appropriate? will this overwhelm the landscape? Is it
7 dominant?

8 There are many ways of looking at it. From the top
9 of Saddleback, for example, we showed that from left to right,
10 looking from Black Nubble over to Redington, the views will be
11 included in, I think it's 34 percent -- 34 degrees, rather, of
12 your field of view. Because that's a 360-degree view up there,
13 that's about 9 percent of your entire view. People are up
14 there, they'll look at that, and they'll look to the left, to
15 the right, and back. There are many other places to look at.

16 So we can't say that it's destroying the view, and we
17 can't say that it's overwhelming the view because it's going to
18 be in addition -- it's going to be an addition to the view.

19 The last thing, of course, is rebuttal to the Crews'
20 observation. Again, is it an unacceptable modification? That
21 is your job.

22 We feel that from our perspective and given the fact
23 that it is a relatively small object when seen from such a
24 distance, there are unbalanced, very few places within the
25 15-mile study area we've looked at, that it's going to be

1 visible from.

2 We've looked at private houses, we've looked at
3 scenic byways, we've looked at lakes, and less than 5 percent
4 of this 15-mile area will see this.

5 On the other hand, we would also like to say that,
6 you know, we feel that it's a very attractive facility, an
7 attractive way to generate electricity.

8 There's a certain connotative value, and that's a
9 term that I believe Jim Palmer started to use when he wrote his
10 book that says that people attach certain meaning to certain
11 types of objects or facilities in the landscape.

12 Many people look at wind farms and say, this
13 represents the future, this represents clean green power, and
14 they have a lot better way of appreciating. They feel it's
15 more appropriate than if they were to say look at the 12,000
16 nuclear power plants, let's say.

17 I hope I've kept to my time frame to answer your long
18 question.

19 THE CHAIR: We can move on to the last panel.

20 (There was a break in the hearing at 11:01 a.m. and
21 the hearing resumed at 11:08 a.m.)

22 THE CHAIR: Are you ready?

23 MR. THALER: Yes, Mr. Chair. This is our final panel
24 relating to the overall energy and economic benefits for the
25 project. Thank you.

1 THE CHAIR: Thank you. Whoever's first. Who's
2 starting here?

3 PARTICIPANT: Alison Hagerstrom will be starting for
4 us.

5 MS. HAGERSTROM: My name is Alison Hagerstrom, and I
6 work for Greater Franklin Development, and our purpose is to
7 create new jobs in Franklin County, and we do that primarily
8 through business attraction but also through fostering existing
9 business relationships.

10 As we continue in our endeavor to replace the over
11 1,000 jobs lost, we believe that the Redington Wind Farm will
12 satisfy an economic need in our local area by providing
13 potential of ten permanent jobs and several construction jobs
14 over the course of a year for construction.

15 Construction wages would be estimated at nearly \$5.5
16 million, which wouldn't include benefits. The pay
17 approximately for the permanent jobs would be \$800 a week,
18 which is well above the average wage of \$568 in Franklin
19 County. The benefits would include nearly \$100 million, which
20 is significant for Franklin County.

21 As we've already heard today, there is a preference
22 for hiring local people, and we have available adaptive people
23 with good work ethic, wanting to learn about wind farm
24 operations.

25 Other local benefits would include lease payments to

1 landowners, property taxes without additional burden for public
2 services on this \$150 million private investment.

3 Wind power will also be available first to the small-
4 to medium-sized businesses in Franklin County and in western
5 Maine. A fixed-price contract would help our small business to
6 stabilize their utility costs.

7 In addition to this, there will be purchase of goods
8 and services, hotels, restaurants, et cetera. Tourism is the
9 No. 1 industry in Franklin County, and because of that, I
10 researched the effect of a wind farm on tourism in
11 Franklin County, and I couldn't find any adverse effect.

12 People are interested in this wind farms and they
13 travel to them.

14 This would also help to foster existing businesses in
15 our area. What I found is that the trend was that local
16 governments tended to work with developers to create signage,
17 so they can find the wind turbines. They all would build
18 pull-outs so that they could few the turbines, and they put
19 pictures of them on their website, and include them in their
20 listings of things to see and do right alongside lodging and
21 restaurants, and boutiques, et cetera.

22 And also in the prefiled testimony from Mr. Holt, it
23 says that there's a neutral to positive impact on tourism by
24 the installation of wind farms.

25 And so I welcome good corporate citizens, such as

1 Maine Mountain Power, to provide these good paying jobs to our
2 area, and I'm going to urge you to consider allowing this
3 project to move forward in Franklin County.

4 Thank you.

5 MR. CUTLER: Good morning, my name is Lloyd Cutler.
6 I'm a resident of Carrabassett Valley, selectman of
7 Carrabassett Valley, business owner in Carrabassett Valley. I
8 guess I get the hometown advantage of all this.

9 Recreation is extremely important to our existence.
10 Our wood mills in the area all have closed, and is the industry
11 in western Maine. We rely on the weather, the climate for
12 snowmobiling, hiking, fishing, and skiing.

13 We also recognize the fact that as a recreational
14 industry we are basically a discretionary-type activity for
15 people. We also show that we use a tremendous amount of energy
16 in the snow making, in skiing, snowmobiling; and we feel a
17 moral responsibility that we need to become green, that we need
18 to give back, and we need to stop polluting the air.

19 Last night to me was extremely educational. I
20 listened to five hours of testimony, and what I heard from the
21 most part was that people felt that they agreed there was a
22 problem with the environment, that global warming -- where it
23 was not that familiar to people ten years ago -- is now on
24 everybody's minds, and we need to do something about it.

25 I'm not going to pretend to be an expert. I can just

1 tell you that I was extremely pessimistic as to how bad global
2 warming is until I just saw the movie, Inconvenient Truth, a
3 strange name to me. I could not figure out the name until I
4 started thinking about it.

5 Inconvenient. It's inconvenient to even have to
6 think that we're destroying our environment. It's inconvenient
7 to think that we have to come up with alternative forms of
8 energy, but we have to. There is no magic pill. If a windmill
9 represents less than 1 percent of our energy needs, that's
10 still something. We have to stop what's going on.

11 I really feel that as an area we need to be green
12 because again, we're using an exorbitant amount of energy that
13 we're not manufacturing, we are really entertaining people.

14 And I know that my customers in the restaurant in the
15 area feel that they want to become part of that.

16 The other day in the New York Times, Vail Ski Area,
17 which is probably the biggest in the country, just announced
18 that they were going to take 100 percent of their energy from
19 green sources only. They're buying wind from Minnesota,
20 North Dakota. Basically I think that they feel that same
21 sensitivity that they need to give back.

22 Again, as I listened last night, I don't think the
23 environmentalists and people against the project really were
24 against the concept of global warming, against the concept of
25 renewable energy; I don't know how they could be.

1 What they really, in my mind, came down to is it's
2 ugly. Maybe I'm being mean, but to me that's shallow.

3 I can't help to think that 200 years ago when they
4 built the first light house on the coast of Maine the people
5 that were situated right in front of it said, oh, my God, I
6 have this 200-foot concrete structure, it bellows noise, and
7 flashes lights in front of me. This is horrible.

8 I firmly believe, because I travel a lot and I see
9 windmills everywhere, that people in this area recreating in
10 this area, the view of these windmills, and realize that we are
11 trying to give back and we are trying to save our earth.

12 Thank you.

13 MR. GARWOOD: Good morning, my name is Steve Garwood.
14 I'm a consultant with the firm Garwood Strategies. I'm
15 assisting Redington, principally on how to connect and
16 interface with the transmission system.

17 I've got about a 21-year career in the industry, much
18 of it with Central Maine Power Company, but you can review my
19 credentials at your leisure.

20 Next slide, please. Key points I would like you to
21 walk away with after hearing or reviewing my testimony are as
22 follows:

23 New England and Maine have just allowed themselves to
24 become overdependent on natural gas-fired generation, and
25 that's posing a threat to the reliability of our resource

1 supply and also this causes electricity prices to be volatile.

2 Many regulators and stakeholders alike have
3 recognized that wind generation be an important part to
4 resolving these problems.

5 Redington can and will be able to safely interconnect
6 to the grid, and despite what some have asserted, Redington
7 will not cause or create additional congestion in the local
8 area where it is interconnecting under normal operating
9 conditions.

10 Further, like any developer proposing to interconnect
11 to the transmission system, it's very important to establish
12 and then maintain your place in line relative to other
13 projects.

14 Changes -- material changes to a project this late in
15 the development stage of a project, such as Redington, can
16 jeopardize its place in the line and require it to start all
17 over.

18 Finally, I want to hit home that because of the
19 generation that could be displaced by the operation of
20 Redington, there will be some 134,000 tons of reduction in
21 harmful emissions today emitted by dirtier plants that are
22 operating.

23 Next slide, please. With regard to the sort of needs
24 and the benefits that we can expect from Redington, by way of
25 reducing the dependence on natural gas, Redington will in fact

1 decrease the region's reliability. This reliability threat
2 really is in the form of a threat to fuel supply in the winter
3 of natural gas.

4 Redington will also help lower electricity prices in
5 Maine because its fuel cost is essentially zero.

6 I have some statistics on this slide that show what's
7 happened to natural gas prices and energy prices. I won't go
8 through those verbally.

9 Again, as I stated, because Redington will displace
10 gas and oil generation when it operates -- those are the
11 marginal units that operate in this area -- under normal
12 conditions we'll have emission reductions of about 134,000 tons
13 annually here in Maine, and that's based on emission rates
14 published by a report of the Independent System Operator of
15 New England pertaining specifically to Maine.

16 Next slide, please. With respect to the safe
17 interconnection of Redington, Central Maine Power Company has
18 conducted a system impact study, and they issued a final report
19 for that study in May of '06, and essentially concluded that
20 with the transmission system upgrades identified in that study,
21 Redington will meet the minimum interconnection standards and
22 will have no adverse affect on the reliability on the system.

23 Thank you.

24 MR. McLEISCH: My name is Bruce McLeisch, I'm the
25 vice president of wholesale origination, Constellation

1 NewEnergy.

2 NewEnergy is the largest supplier of retail
3 electricity to businesses in North America. We're also the
4 largest supplier in Maine. We serve most of the cities and
5 towns, most of the colleges and universities, plus the
6 hospitals, and the lion's share of industrial customers in
7 Maine. We're also the largest supplier of renewable power in
8 Maine currently.

9 My job is to go into the wholesale market and buy
10 power that we can use to sell to our retail customers, and to
11 that end we have entered into a contract with Maine Mountain
12 Power to buy the output of the Redington mountain project for
13 ten years.

14 We will be using that power to sell to Maine
15 customers.

16 What our businesses in Maine, our customers, are
17 telling us today is that they're looking for long-term power.
18 They want it very long term.

19 We can typically just give them three to five years,
20 but they want it even longer than that. They need it for
21 budget certainty. A typical business profitably is halfway
22 through the year you find out your electricity prices went up
23 30 percent, especially if it's a pretty significant portion of
24 your operating costs.

25 The other thing they're telling us is they would like

1 to buy renewable power, they'd like to help minimize the impact
2 their business has on the environment. They realize that
3 global warming is happening, pollution is occurring, and they
4 want to be good corporate citizens.

5 The Redington Wind Power project allows both of these
6 goals to be achievable.

7 If you take a look at this next slide, you can see
8 why it is that they're looking at long-term fixed-priced power.
9 What you see, this is a 12-month strip of power and how that's
10 going forward and how that's changed since the summer of 2003.

11 What you notice is that it goes up and down all the
12 time, but in general you can see that the trend is up.

13 And then here, that's a year ago when Hurricane
14 Katrina and Rita came, it went to so much natural gas supply
15 down in the Gulf that we had a tremendous increase in price
16 overlines of gas as referred to earlier. Only the warm winter
17 that we had helped drive the price to go down.

18 Even after the price came down, you can see that the
19 trend is still upwards.

20 Because Redington Mountain has no fuel costs, we can
21 offer long-term, ten-year fixed-price deals to customers.
22 Fossil fuel plants are not likely to offer that. It's too
23 risky to do it as you can see by the fuel costs.

24 Demand for the renewable power from Maine customers
25 far outweigh the supply available from Redington Mountain.

1 You've heard people say, well, Constellation NewEnergy is going
2 to be trying to sell this power in Maine. We are going to have
3 no problem selling it in Maine. In fact, I wish I had two to
4 three times the supply.

5 Customers include SAD 58, University of Southern
6 Maine, College of the Atlantic. I've just listed them because
7 they're among the most consistent. We sell to them. There's
8 plenty of other industrial customers, colleges, healthcare
9 facilities.

10 The last line I have is just to refer to a proposal
11 that was submitted with prefiled testimony by NRCM, which is to
12 reduce the size of the project.

13 You heard from Randy from Edison Mission earlier
14 that -- well, a couple of things. One is to reduce the output
15 by 45 percent, so that means fewer businesses would be able to
16 benefit from the fixed-price power over the long term.

17 The other thing is, they'd have to pay a higher
18 price. This is based on NRCM's analysis. Based on Randy, he's
19 telling us that price has to go even higher, and that's
20 35 percent of our customers are not going to -- they're not
21 going to be willing to lock into that, so that wouldn't work.

22 The analysis that NRCM submitted is based short-term
23 wholesale prices for energy and renewable energy credits.

24 The long-term -- just assuming that that would
25 continue -- the long-term price is a different market, it's a

1 better market, and it's the price the customers would like to
2 sign up for.

3 Thank you.

4 MR. HANISCH: Good morning, my name is John Hanisch.
5 I'm the national air quality director of Arcadis, which is a
6 national environmental consulting firm. I've got over 35 -- 30
7 years, almost 35 years, of experience doing air quality
8 analysis and regulating air quality sources, and I've worked at
9 EPA in Boston. What I would like to do today is talk to you
10 about air quality issues.

11 If you look at the next slide here, what this shows
12 is Maine's position is either an exporter or importer. I was
13 only to be able to get data up to the year 2000. The blue bar
14 on the left is how much we generate, and the bar on the right
15 of each year is how much we consume.

16 As you can see, sometimes we generate more, sometimes
17 we consume more; but in no year are we sending out large
18 amounts of energy out of the system. We're sending some energy
19 out, but not a lot.

20 The reason why we're not sending any more energy out
21 is because we keep -- there's a constraint there that Steve can
22 talk about. We're sending out all we can and it isn't a lot.

23 If you look here at how we generate our electricity,
24 and I think you've seen this slide before, in 2002 73 percent
25 of the electricity that was generated in Maine was generated

1 with natural gas, which means by and far the majority of all of
2 the electricity generated is gas.

3 So when Redington turns on, it will be reducing the
4 amount that's gas because that's the most expensive type of
5 electricity, and since ours is the cheapest price, as Bruce
6 talked about, they will be ratcheting down gas.

7 Next slide. This is a -- I tried to do a lot on this
8 slide, I'm not sure you can see it all, but you can see down
9 here that this is the renewable portfolio. It's basically
10 very, very low cost -- this is cost over here -- and I've made
11 it green because it's also very clean.

12 So when you start looking at what's going to come on
13 in a day, you put on your green stuff first, then you put on
14 your coal -- which is next in line there -- because it's more
15 expensive and you want to keep the costs down, so you're
16 getting in at a certain price, then you start to put on gas.

17 So on a typical day -- which is this bar down here --
18 you're somewhere in the gas regime where you're running.
19 You've got your renewables on, you've got your coal on -- other
20 places in New England -- and you've got gas on.

21 If they add Redington, what you would be doing is not
22 necessarily taking a gas plant off. You might take a gas plant
23 that's running at 85 or 90 percent of its capacity and
24 ratcheting it down 5 to 10 percent and adding in the energy on
25 Redington.

1 So you're not shutting down a plant, you're not
2 holding something in standby; you're just allowing a reduction
3 in the emissions that are coming out.

4 Because you're ratcheting down a gas plant on a
5 typical day -- and this is a typical gas plant in Maine, not a
6 gas plant somewhere else -- because you're ratcheting down a
7 gas plant, you're causing a reduction in air pollution because
8 once you go on, the pollution that would have been occurring
9 for that same amount of energy isn't occurring. This will
10 usually be a gas or oil plant, and it will be true every hour
11 that we're generating electricity.

12 How much will be reducing? Well, it's basically 260
13 million pounds a year, which is the same thing as 134 tons.

14 What are those reductions equivalent to? It's
15 equivalent to removing 22,000 cars from the roads. It's
16 equivalent to burning 50,000 gallons of oil a day, while you're
17 producing enough electricity to power roughly 43,000 Maine
18 homes.

19 Why do we need wind? Several people have mentioned
20 it: Global warming. An EPA report talks about it, that there
21 will be significant impacts. NRCM also talks about it, and
22 they recognize the impacts. One of the things that they're
23 saying in the next line is that it's going to create a decline
24 in winter sports.

25 So it will reduce our dependence, as shown on the

1 next slide, on natural gas. People have talked about that. It
2 will cause a reduction in air pollution, it will help reduce
3 greenhouse gases, it will harvest a clean, plentiful renewable
4 source, it will be consumed in Maine, it will reduce our
5 dependence on natural gas, and it will have no undue adverse
6 impacts.

7 I want to thank you very much. That concludes the
8 formal presentation.

9 THE CHAIR: Thank you. Questions? Steve.

10 MR. SCHAEFER: Lloyd, I know you're deeply involved
11 with the local community here and have been for a long time.

12 Last night we heard 50 to 60 people, and according to
13 my little notes, only three of them actually work here and live
14 here.

15 First of all, two-part question. Does Carrabassett
16 Valley take a position as a Town, and what is your gut feeling
17 as a working individual in this area?

18 MR. CUTLER: It's interesting about the local people,
19 because what happened is this is the first experience we've had
20 with a formal hearing is that the people that go to these
21 hearings a lot get here early and sign up early.

22 So I can tell you that I personally talked to
23 probably a dozen local people, but by 9:30 or 10 o'clock they
24 were bailing out. They said, you know, I'm still 40 names away
25 from testifying, I have to work tomorrow.

1 I feel comfortable telling you that four out of the
2 five selectmen of Carrabassett Valley strongly support this
3 project; however, we don't feel it is our position to take a
4 vote for the Town, the Town has not voted.

5 It's easy to say when you're amongst friends, friends
6 are very supportive of the project. I think the point I was
7 making was we would rather not have windmills. I think
8 everybody would rather not look at a windmill; however, we
9 really accept windmills because we know we need to do
10 something.

11 So it's that inconvenient word again that we are
12 thinking about it, and I know from the restaurant, a lot of our
13 customers are from Portland, Massachusetts, and it's become a
14 big topic of conversation, and they all seem to feel, you know,
15 look at the ski area and look at the scars up the side of the
16 mountain. How can we not be supportive of windmills, which are
17 actually generating power, not using power.

18 MS. KURTZ: I have a question. I was looking at your
19 list of the businesses that are going to purchase or insisting
20 that they purchase the electricity, and I'm just wondering how
21 many of those businesses are in Franklin County?

22 MR. McLEISCH: I think 58 -- correct?

23 Sugarloaf has expressed a strong interest. Being
24 from Rhode Island, as I am, I'm not necessarily sure about all
25 the others, which counties they're in. I know there are some

1 in Somerset County beyond the two that I've listed.

2 They're scattered throughout the state, but there is
3 a strong interest in this area as well.

4 MS. KURTZ: Again, a point that keeps coming up is
5 44,000 homes, energy for 44,000 homes, but it's not going to
6 homeowners, it's going to businesses.

7 MR. McLEISCH: Correct. We'll be selling to the
8 businesses. That's because that's our main business model.

9 What we need is -- we need a commitment from those
10 businesses to be able to buy it for ten years, and most
11 homeowners are not able to necessarily do that.

12 MS. KURTZ: Do you have an estimate of what kind of
13 savings they're going to realize percentage-wise?

14 MR. McLEISCH: Well, when you talk savings, you have
15 to figure out what you're comparing against, of course.

16 The price that we can show them today would be a
17 savings compared to the short-term price that Central Maine
18 Power might be offering.

19 Long-term, as I said, prices go up, they go down. If
20 prices go up a lot, the savings could be significant. They
21 could be 20, 50, 100 percent.

22 Prices could go down, though. This may not
23 necessarily represent a savings to them, but as a business it
24 represents, you know, the ability to plan for the future and
25 have known costs instead of not have them.

1 MS. KURTZ: When you propose this to them that you're
2 saying we're going to guarantee 10 percent savings, you're just
3 saying you'll be able to project out what your --

4 MR. McLEISCH: Right. We'll be saying we're going to
5 guarantee you a fixed price, and even when gas goes up, that
6 price is not going to change.

7 MS. KURTZ: Alison, I had a couple questions.

8 Can you clarify or restate again, you said something
9 about the neutral or positive effect on tourism. I don't know
10 where that statement came from. I'm sort of writing things
11 down.

12 MS. HAGERSTROM: That statement of neutral or maybe
13 positive statement came from prefiled testimony from Ed Holt,
14 president of Ed Holt & Associates, who did some studies on
15 tourism.

16 MS. KURTZ: That is nationwide, or throughout Maine,
17 or throughout the world.

18 MS. HAGERSTROM: He did some of all of that.

19 MS. KURTZ: How do those places where there's
20 tourism, how do those reflect the recreation-based tourism?

21 MS. HAGERSTROM: They were similar situations. Some
22 of them were coastal but also some of them were in Vermont,
23 Searsburg. That may not be referenced specifically in this
24 particular one, although it may. I've read several so I'm not
25 really sure which one it came from.

1 But they did compare various --

2 MS. KURTZ: I was just --

3 MS. HAGERSTROM: -- mountains and oceans as well.

4 MS. KURTZ: In other words, similar to us?

5 MS. HAGERSTROM: Hm-hmm.

6 MS. KURTZ: I'm trying to compare how it might affect
7 tourism in this area.

8 Have you done a study that shows the effect on
9 tourism in this area?

10 MS. HAGERSTROM: Have we personally, frankly, no we
11 of not.

12 MS. KURTZ: Have you done any kind of study that
13 indicates real estate prices?

14 MS. HAGERSTROM: We have not but I did do a little
15 bit of research on that as well, and again, part of that was
16 with this testimony.

17 Again, there's not much documentation there, but it
18 doesn't seem to have an adverse effect. Values increase at the
19 same rate as other properties whether they have a view or not;
20 and again, the most information I have from that came from the
21 prefiled testimony from Mr. Holt.

22 MS. KURTZ: I was hoping, as we mentioned before,
23 there was a lot of testimony last night for and against, and
24 there was very little testimony, information, you know, data,
25 to support anything that anybody was saying, but one person did

1 indicate that a view probably might be worth twice as much as a
2 property with no view, and a property with a bad view was worth
3 even less.

4 I was just wondering if there was any way that you
5 could address that particular statement and how that would
6 effect realtors and people who depend on a second home
7 market -- building houses, cleaning houses, or adding services
8 that are for people that buy the houses.

9 I think that's a significant financial or economic
10 issue. It would be helpful to have something to go on other
11 than just what we told last night.

12 MS. HAGERSTROM: I'm not a real estate person, so I
13 don't know that I can answer that question with any integrity.

14 But the things -- again, the things that I have read
15 that it didn't seem to affect whether they had a view of a
16 turbine or whether they didn't have a view of a turbine on the
17 mountains, it didn't seem to affect that it was negative based
18 on the report -- and I also found some information on the
19 America Wind Energy Association website that also states that
20 that does not have an adverse affect on property values.

21 But I can't speak to it any more intelligently than
22 that because I'm not in the real estate business. I don't know
23 if there's someone else that might be able to.

24 THE CHAIR: Does anybody else have any questions?
25 Gwen? Steve?

1 Just, Mr. McLeisch, in your prefiled testimony
2 there's apparently something that I would like to know about
3 and may or may not bear on this whole issue.

4 You talk about -- it appears that your function that
5 you have purchased all the power and also whatever these
6 renewable energy credits are.

7 Would you explain what a renewable energy credit is
8 and who buys it and why do they have value.

9 MR. McLEISCH: Renewable energy credit is a little
10 bit of an abstract concept. It basically represents the fact
11 that the power was generated from a renewable power resource.

12 They were created some years ago to allow people to
13 buy green power, basically to allow owners of a renewable
14 plant, such as Redington, to sell their energy electricity to
15 one entity and to sell renewable energy credits to another.

16 It allows people to evenly match up the usage by
17 those customers who want to buy renewable power with the supply
18 that they bought.

19 So -- it's also used today to demonstrate compliance
20 with the renewable portfolio standards, which the states of
21 New England and many across the country have.

22 So for instance, Maine has a 30 percent requirement
23 right now, and in order to demonstrate that, we need to buy
24 renewable energy credits that meet the main RPS definitions,
25 and these things are tracked via an electronic web-based

1 system.

2 So that's what they are. And the reason they have
3 value is because there are people who are willing to pay for
4 renewable energy power, but also the renewable portfolio
5 standards were designed to encourage the development of more
6 renewable resources.

7 So to the extent that there's a shortage, that price
8 rises, and as more gets built, the price of those credits goes
9 down.

10 I know it's a difficult concept.

11 THE CHAIR: I'm just saying who buys -- are the
12 customers for renewable energy credits the same people, SAD 58
13 or Franklin County Hospital and all that, are they the same
14 people that buy -- are they paying for those credits, or is
15 somebody separate?

16 Are there two different customer lists, that's what I
17 guess I'm interested in knowing.

18 MR. McLEISCH: When a customer says they want to buy
19 renewable power, they are also interested in the buying those
20 renewable energy credits.

21 One of the things that we're doing right now, because
22 there is such a great interest in buying power from Redington
23 Mountain, I'm trying to figure out a way to spread it out to
24 keep all of our customers that have in interest happy, frankly.

25 So some of those people will be selling just a

1 portion of their needs for ten years -- renewable energy
2 credits, as well as energy.

3 We're entertaining interest in people who just want
4 to buy the energy and maybe some other people who want to buy
5 the renewable energy credits.

6 THE CHAIR: Who would want to buy the credits? Why
7 would they buy them?

8 MR. McLEISCH: Why would they buy renewable energy
9 credits?

10 THE CHAIR: To me the person who buys the energy is
11 the person who needs the renewable standards. That's the way I
12 understand it.

13 Now, if somebody -- why would somebody buy the
14 credits without buying the energy?

15 MR. McLEISCH: Businesses buy renewable energy
16 credits right now to represent their commitment to just
17 renewable power, frankly.

18 We have Tom's of Maine as a customer, and they made a
19 commitment to buy renewable power. But they wanted to buy
20 wind, and there's no wind in New England to buy from.

21 So we arranged for them to buy renewable energy
22 credits from a project in Iowa.

23 Holsbooth Market bought renewable energy credits for
24 all their usage -- equivalent credits -- for their usage across
25 the country, but they, again, bought them from a wind resource

1 in the middle of the country.

2 So it's --

3 THE CHAIR: So I guess my conclusion in this is that
4 this is a voluntary tax on my business so I can say that I am
5 supporting, somewhere in the country, I am supporting a
6 renewable generation source?

7 MR. McLEISCH: I wouldn't use the term tax but as a
8 voluntary payment.

9 THE CHAIR: A voluntary payment.

10 MR. McLEISCH: Yes.

11 THE CHAIR: To support renewable energy somewhere in
12 the United States.

13 MR. McLEISCH: That's correct. And we also have, you
14 know, large multi-national corporations -- like Citigroup is a
15 customer of ours -- they had bought credits elsewhere.

16 A lot of these companies are I people looking into
17 the future to see that -- you know, this is the responsible
18 thing that corporations are going to need to do. They do
19 business with companies in Europe who are under HUGO protocols.
20 It's people being proactive right now and later on maybe this
21 will be mandated.

22 MR. WIGHT: If I buy credits, what do I get?

23 MR. McLEISCH: You mean what do you physically get?

24 MR. WIGHT: Right.

25 MR. McLEISCH: You won't physically -- your

1 electricity, you've still got the same electrons flowing
2 through here, your business operations.

3 Some customers, you know, get actual physical pieces
4 of paper, certificates.

5 MR. WIGHT: Does it do me any good on my taxes?

6 MR. McLEISCH: No, it's not -- it doesn't help taxes.

7 MR. WIGHT: What good does it do?

8 MR. McLEISCH: It helps -- as I said, it's a
9 commitment by the business to reduce global warming, to reduce
10 pollution. It's part of their corporate goal. It could be any
11 number of reasons, I think, they might have internally for
12 doing that.

13 One of our largest sort of industry groups that buys
14 renewable power from us is universities. We have a lot of them
15 in Maine that do that currently.

16 You know, it's part of the student body's objective,
17 it's part of the people that work there. This is something
18 they think is important.

19 MR. WIGHT: We had testimony last night that
20 indicated that there was a concern that EME was buying credits
21 or was somehow garnering credits in order to offset something
22 that had it do with their coal-fired plants.

23 Is there anything to that?

24 MR. McLEISCH: EME will not own any of their own
25 renewable energy credits. Constellation will own all of them

1 and we will be selling them to our customers.

2 MR. WIGHT: I'm still confused but thank you.

3 MR. McLEISCH: I'm sorry.

4 MR. SCHAEFER: The caps and trades, the people that
5 asked about, I think that's --

6 MR. McLEISCH: Renewable energy credits from
7 Redington Mountain have nothing to do with the cap and trades,
8 it's just on emissions.

9 As a matter of fact, wind projects do not generate
10 emissions offsets, so it's not currently part of that.

11 That being said, a wind project would help regions
12 probably meet their greenhouse gas initiative objectives.

13 THE CHAIR: I think to state this clearly as I can,
14 my concern is that we are -- that this project would somehow
15 allow somebody else to continue operating a coal plant
16 somewhere that's going to offset all of the claimed benefits of
17 the wind power project in terms of this reduction in emissions.

18 I think that's as simple as I can say it, and that's
19 all. We'd like to hear a statement from somebody saying that's
20 either true or it's not true, in those terms.

21 MR. HANISCH: Let me talk about it in general, and I
22 tried to in my testimony; and if I didn't explain well enough,
23 I apologize.

24 When Redington is on, some other unit goes down. And
25 those emission reductions that occur because some other unit

1 went down will reduce air pollution going into the air during
2 every hour that Redington is operating.

3 THE CHAIR: I think we accept and understand that.

4 MR. HANISCH: That unit that went down has got
5 allowances presumably to have emitted those emissions, and what
6 you're asking is, will those allowances go somewhere else so
7 that the net reduction over all time is that there's no change,
8 that it still will be the same amount of emissions.

9 My personal opinion as a professional that's been
10 doing this for 30-something years -- I don't want to say for
11 how many years -- is that that won't happen.

12 I've looked at, over my years as a consultant, I've
13 permitted power plants, and I've also got a lot of clients that
14 want me to buy power plants for them.

15 So I'm looking into doing the due diligence on
16 whether they'll be able to operate.

17 The allowances that are required to run are not an
18 issue. There's enough allowances out there at a reasonable
19 price that if someone wants to buy a power plant, they can run
20 that power plant, and the amount that we're changing here is
21 going to be really not making a difference.

22 MR. WIGHT: Are there emission allowances?

23 MR. HANISCH: These are emission allowances. These
24 are not oxide or nitrogen allowance. This is sulfur dioxide
25 allowance, which is separate from the energy credits that we're

1 talking about here.

2 So that's not -- every hour we operate, we're going
3 to cause a reduction. There are going to be more allowances
4 and they won't be used.

5 Basically the more energy, clean energy we produce,
6 the more allowances that can be retired and they'll be able to
7 be retired at a cheaper price.

8 I think it's a shell game to say, well, you know,
9 because you've got more allowances, someone's going to generate
10 electricity.

11 They're only going to generate electricity if there's
12 a need. If need is being fulfilled with wind, it's not going
13 to be generated.

14 And it's not like there are plants on December 31st
15 when -- nobody's seen this anywhere in the country -- where on
16 December 31st a plant goes down because there weren't enough
17 allowances for them to run that year. The electricity is still
18 there, which means there are enough allowances in the system.

19 MR. WIGHT: Allowances and tax credits have nothing
20 to do with it; is that correct.

21 MR. HANISCH: No, not that I'm aware of.

22 MR. MANN: Let me touch on this for a second.

23 The only "credit" that Edison Mission Energy will get
24 from owning and operating this plant is the Federal production
25 tax credit that I described before, which accrues to the owner

1 of any qualifying wind energy project that generates wind
2 energy.

3 And what that does is it allows us to sell the wind
4 energy for a cheaper price, because we're getting not just cash
5 revenues from our customer, Constellation, but we're also
6 getting a Federal tax credit.

7 All of the rest of the environmental attributes of
8 the project, including renewable energy credits that we
9 described before, are being sold so Constellation, and
10 Constellation in turn is selling those to their customers --
11 the colleges, the universities, the schools, the businesses --
12 who have an interest and desire to buy green energy as opposed
13 to brown energy.

14 MS. KURTZ: I tried to take notes about what was said
15 last night and it didn't make any sense to me and it still
16 doesn't, but this is what I wrote down.

17 The person indicated that 50- to \$60 million in tax
18 credits will offset Edison's pond, thereby subsidizing their
19 coal-fired plant allowing them to burn 16- to 20 million tons
20 of coal per year. That's what I wrote down. I didn't
21 understand it last night.

22 How would you address that? I think that's what
23 we're all getting at here.

24 MR. MANN: Right.

25 MS. KURTZ: That simple statement was sort of like a

1 bomb dropped in our lap.

2 MR. MANN: There are some parts of that statement
3 that I think I agree with.

4 The Redington Wind Farm project will generate about
5 50- to \$60 million of production tax credits, Federal
6 production tax credits, over the first ten years of its
7 operation.

8 Every time we generate a kilowatt hour, we'll
9 generate 1.9 cents of Federal production tax credit.

10 That tax credit will accrue to Edison, as the owner
11 of the project, and also to Endless Energy, as a minority owner
12 of the property.

13 We'll be able to use those Federal reduction tax
14 credits to reduce the income taxes that we pay the Federal
15 government. That's how the subsidy works, and we intend that
16 subsidy, again, to allow us to charge less for renewable energy
17 so that renewable energy can compete in the market and more
18 renewable energy projects will be developed and built.

19 There's no connection to our coal-fired operations
20 whatsoever other than that they're all owned -- Edison owns
21 some coal, we own some nuclear, we own some hydro, we own some
22 gas, we own some wind, we own some transmission systems and
23 distribution systems.

24 All of those things generate net income and taxable
25 income, and the Federal production tax credit helps us to

1 reduce our taxes and thereby allow us to develop more renewable
2 energy projects and sell those green kilowatt hours for a lower
3 price.

4 MS. KURTZ: I know you can't speak for him. Where
5 did he -- how is he making that relationship? Where did he
6 come up with the 16 million to 20 million tons of coal?

7 MR. MANN: I don't know.

8 THE CHAIR: I would point out in the Applicant's
9 direct testimony on Page 8 there's a very detailed footnote on
10 both perhaps the tax credit and accelerated depreciation and
11 the dollars associated with that. It's all on the record.

12 I guess that we'd have to -- I don't know how we're
13 going to answer what Mr. Weingarten said last night. It may
14 come out later.

15 Do we have anybody else on the Commission, questions?

16 I'll tell you what, I'm sure the intervenors are just
17 waiting to ask at least one or two questions here, but it's
18 close to 12 o'clock and rather that start this -- get all
19 organized and start this process and break it up, I guess I
20 would rather break for lunch and come back.

21 I would like to get -- we're obviously -- the
22 Commission, exercising some prerogatives, has asked a lot of
23 questions here today, and we've delayed the process, of course.

24 I'd like to start about quarter of one if I could and
25 try to gain a little of that time back. We'll begin with the

1 cross-examination right after lunch, quarter of one.

2 For those of you -- the first people, according to my
3 matrix, I think we're planning to start with whoever the
4 spokesman is for the ATC, the MATC. I assume that Mr. Plouffe.

5 He has a long list of witnesses he wants to
6 cross-examine. So I want all the Applicant's witnesses here at
7 quarter of one.

8 Thank you.

9 MR. WIGHT: I don't know if my numbers agree with
10 Melissa's, but it looks like the 90 minutes allowed to use came
11 in at 88.

12 (There was a break in the hearing at 11:54 a.m. and
13 the hearing resumed at 12:48 p.m. on August 3, 2006.)

14 THE CHAIR: We're going to begin this afternoon with
15 the cross-examination of the Applicant by the intervenor
16 groups, and the first one is going to be done by Mr. Plouffe,
17 who's going to explain how they're going to do their intervenor
18 questioning for us.

19 Mr. Plouffe.

20 MR. PLOUFFE: I'm Bill Plouffe. I'm with the
21 Portland law firm of Drummond, Woodsum, and McMahon. With me
22 here today is Hope Jacobson, who is with the firm of Perkins
23 Coie in Portland.

24 Hope and I are representing one of the intervenor
25 cohorts. Just for the members of the Commission at a

1 BY MS. JACOBSON:

2 Q. I'd like to start with the wetlands issue. It seems like
3 some of the Commission members have questions on that.

4 Now, in review Bud Brown's prefiled testimony, I'm
5 accurate in saying, aren't I, that he found a 165 resources,
6 whereas in your report your Woodlot located 78; is that
7 correct?

8 A. I understand that's what was reported.

9 Q. Which is roughly twice the amount.

10 To go back to your work with the DEP in your NERPA
11 process, Bud Brown, as you know, submitted some work
12 criticizing your analysis of the wetland impacts for the DEP
13 portion of the project; is that correct?

14 A. Yes.

15 Q. Initially your intent was to apply for a permit by rule or
16 PBR; is that correct?

17 A. That was one component of the process.

18 Q. As of result of Bud Brown's report, are you now in the
19 process of filing additional information with DEP?

20 A. Yes.

21 Q. And also to clarify, DEP is requiring that wetlands,
22 streams, and seeps all be mapped or identified since they all
23 have functional value to the hydrology of the area; is that
24 right?

25 A. We've agreed that's the most appropriate process.

1 Q. Now, in terms of the wetlands work you did, you said in
2 your testimony that it was mostly recognizance level survey; is
3 that correct?

4 A. Let me explain what I mean by that.

5 Q. Yes, that would be great. I would like to know what
6 recognizance level surveys are.

7 A. We covered a lot of ground over a number of years, and we
8 looked a number of different routes and options trying to
9 determine which of those offers the least environmentally
10 damaging in terms of fragmentation, in terms of the natural
11 resources, not just streams and wetlands.

12 Our process was to -- we have a quarter, and our
13 quarters -- and this is an important point -- that our quarters
14 are that we can actually locate this route. In some places the
15 roads can be as much as 500 to 1,000 feet from the transmission
16 lines, from 1,000, 1500 feet.

17 What we did is we worked with essentially -- the
18 person working navigating through the centerline with people on
19 either side of us and walking the length of these routes.

20 During the course of this, we would be stopping at
21 wetlands and going through the process of actually identifying,
22 this is a wetland, and looking at soils, looking at vegetation,
23 and then with our GPS units actually locating those boundaries.

24 What we did not do is flag boundaries, create notes.
25 What we're trying to do is understand what is the level of

1 wetlands, and so when we come back at the end, at the end of
2 the process, start evaluating.

3 It just wouldn't make sense.

4 Q. Okay. So you did not use, for example, the 1987 Army
5 Corps of Engineers Wetlands Manual for truly sort of
6 delineating a wetlands out to its outermost edge?

7 A. No, we did use that process.

8 Q. You did?

9 A. By what you're doing, you're looking at dominance of
10 hydrologic vegetation, and you're looking at whether not you
11 have hydric soils, you're looking at if you have evidence of
12 hydrology.

13 Q. Did you do a formal alternatives analysis?

14 A. The alternatives analyses are ongoing all the time. As a
15 matter of fact, there were a number of routes throughout after
16 only a couple of days of viewing the fields.

17 Q. I don't mean to interrupt, but it's just because I have so
18 many questions over a short period of time.

19 I want to know if you submitted a formal alternatives
20 analysis.

21 A. No, a formal has not been submitted.

22 Q. And you do concede that Bud Brown found certain wetlands
23 that you failed to find?

24 A. Let me explain the process.

25 Q. I'm sorry --

1 A. No, I can dispute it. I will stand by it.

2 Q. So you don't think that Bud Brown found any wetlands that
3 you did not find?

4 A. I would say that over the course of the miles that we
5 walked, there are opportunities for other streams and/or
6 wetlands to be out there.

7 Q. So just to go over a couple of examples, there's a
8 wetland, a stagnant wetland, on the top of Black Nubble. It's
9 identified in Bud Brown's testimony as EA-061. It's also
10 Exhibit C to John Albright's testimony. John Albright is the
11 Maine Audubon, if anyone wants to look at photographs of it,
12 it's a photo that Bud Brown took.

13 That was the particular wetland that you did not
14 identify in your survey; is that right?

15 A. Excuse me, was that of Black Nubble?

16 Q. Yes.

17 A. Could you show me that, please?

18 Q. Sure. This is in Appendix 2 to Bud Brown's testimony,
19 it's Sheet 2 of 4, and it shows the turbines in the road on the
20 top of Black Nubble, and it shows EA-061.

21 A. And can Commission members have a chance to see this as
22 well?

23 Q. They have to have Bud Brown's testimony in front of them.

24 A. I would like to make sure they get a chance to see this.

25 Q. It's in Appendix 2 to Bud Brown's testimony, and it's

1 Sheet 2 of 4. It shows Turbines 18, 19, 20, 21, and 22 with
2 the road configuration.

3 On that map above Turbine 22 is EA-061; is that
4 correct?

5 A. Yes.

6 Q. That was not a wetland that you identified during your
7 survey?

8 A. I don't see it on the mapping that we've got here.

9 Q. Okay, thank you.

10 Also on the centerline of the Redington transmission
11 line, Bud Brown identified a vernal pool. It's EA-093.

12 This is on Page 26 of Bud Brown's testimony?

13 A. Again, I would like to see that, please.

14 Q. Sure. This vernal pool is in the centerline. It's
15 Photograph 7 on Page 27, Bud Brown's testimony, and he
16 testifies that he found 22 wood frog egg masses in that vernal
17 pool.

18 A. I recall this and I think it's important to be able
19 understand -- to explain how this process went about.

20 Q. Well, I really would just like to confirm whether or not
21 you found that during your survey?

22 A. The significance of these findings -- and let me point out
23 that what we have are small isolated pockets that are scattered
24 here and there, it's a relatively dry ridgeline in very many
25 places, but most importantly while we were out there, we were

1 there in early May when. The first 11 days of that month, we
2 were there from May 19 --

3 Q. I understand that. I understand there is a difference of
4 opinion over some of these wetlands, but just for purposes of
5 the Commission's understanding, I would just like to highlight
6 a few of the areas where Bud Brown located something and
7 Woodlot did not?

8 A. I would note that I'm not -- I wouldn't necessarily agree
9 in every and all of these cases that they are regulated as
10 jurisdictional wetlands.

11 Q. Yes, and that's not my point either.

12 Now, I've just shown you that picture of the vernal
13 pool in the centerline of the transmission line, and is it your
14 understanding that the Redington transmission line and the
15 Redington Access Road from the point where the Black Nubble
16 transmission line and the Redington transmission line merge
17 into the 115kV line, from that point of the earth, to the base
18 of the Redington wind power parcel, that is approximately two
19 miles or so; is that correct?

20 A. That sounds reasonable.

21 Q. And the Redington transmission line and the Redington
22 Access Road, however, they are parallel to each other and they
23 sort of intersect each other as they both meander in a sort of
24 separate from each other way from that first point where the
25 end of the 115kV line is until the base of the Redington wind

1 tower project; is that right?

2 A. That's a fair description.

3 Q. If you were able to co-locate those to lines, in other
4 words, put them in the same corridor, wouldn't that in fact
5 potentially reduce the amount of wetland impact that you would
6 have?

7 A. If you could. I don't believe that --

8 Q. I know, I'm assuming there may be some engineering
9 reasons.

10 Assume you could.

11 A. It's a big assumption.

12 Q. Yep, but you agree that there would be potential wetland
13 impact?

14 A. I'm not sure that it could be done but if it could, yes.

15 Q. Thank you. I would like to know, prior to your site visit
16 with Bud Brown in May, had you or members of the team walked
17 the centerline as its shown on the existing plans of all linear
18 portions of the project?

19 A. We walked -- there was one segment that we walked near to
20 that was not part of the -- the actual walk we did with Bud in
21 early May -- but we walked in an area just up slope of that by
22 only a couple hundred feet.

23 Otherwise than that, we pretty much walked every line
24 that you see that we have walked every one of those lines,
25 including a number of other lines.

1 Q. Can you explain to us the definition of a seep?

2 A. A seep is a groundwater discharge.

3 Q. Okay. Does it include -- well, have you read the
4 testimony of Dr. Calhoun?

5 A. Yes, I have.

6 Q. Are you familiar with her use of the term variable source
7 areas?

8 A. No, I can't say that I am.

9 Q. So you didn't --

10 A. I read it. Can you explain to me --

11 Q. No, I'm wondering -- well, she talks about the existence
12 of variable source areas that tend to feed into a seep, and I'm
13 wondering if your definition then includes those variable
14 source areas, or are you just talking about the breakout, the
15 groundwater breakout?

16 A. I guess I'd ask for her to explain what she means by that
17 term.

18 Q. Well, I'm telling you right now that she's talking about
19 different areas located away from the breakout of the
20 groundwater, so it could be just sort of an area upstream a
21 little.

22 A. I think I understand the concept.

23 Q. So when you -- I just need to be clear, when you're
24 referring to the term seep whether you're referring to those
25 areas -- the variable source areas, as she calls them -- or are

1 you only referring to the groundwater breakout that you see?

2 A. I think groundwater breakout is the most apparent, but
3 there's other areas that you can walk that are sound outlets
4 but you can actually hear water flowing. So I think that's
5 sort of what she's referring to. We recognize that as well.

6 Q. So you would then map those areas, too?

7 A. Our purpose for mapping areas to determine wetlands is
8 jurisdictional wetlands and streams. During the course of this
9 we also identify.

10 And subsequent to our meeting with the agencies later
11 on in direct response to these intervenor comments, we agreed
12 that we will be noting where these locations are, and we've
13 agreed that we'll be treating them just like as though we were
14 regulating.

15 Q. So you have not identified all of them yet?

16 A. We have final development plan that we will be in the
17 field working off a defined centerline, a defined centerline.
18 Right now it's just a large corridor, but actually being able
19 to thread our way, which for the road system, for the
20 transmission lines -- which are going to be 75 feet or 150 feet
21 -- we now have as much of 1,500 feet to thread those corridors
22 through that to avoid fragmentation and to avoid wetlands --

23 Q. But you're not --

24 A. -- and during that process we will be able to quantify the
25 specific locations and the amount of areas that will impact it,

1 and we believe at the end of the day we significantly dropped
2 the amount of impact that we have now.

3 Q. My point is you just haven't done that work yet; correct?

4 A. A grand portion of that work is done. There's fine tuning
5 to be --

6 Q. Where are the maps -- where are the maps that show the
7 seeps, because those are not in the application?

8 A. We have -- one of the exhibits that we have shows our
9 locations of wetlands and streams and some of the intermittent
10 discharges that are out there.

11 Q. I'm sorry to interrupt, that's Exhibit 1 to your
12 testimony, isn't it?

13 A. That's correct.

14 Q. And there are no seeps listed in the legend of that
15 exhibit?

16 A. In some areas -- I would submit that some of the areas
17 that we've defined as wetlands will not be wetlands but will
18 also be considered seeps.

19 So they are a part of that universe of wetlands.

20 Q. So every seep you've located is on Exhibit 1?

21 A. Absolutely not. A good portion of them are.

22 Q. I'd like to move to your comments on the Bicknell's
23 Thrush.

24 The article you cite by Rimmer states that among
25 neotropical migrant birds in the northeastern United States,

1 Bicknell's Thrush is ranked as the species most at risk of
2 extinction.

3 Is that what that study says?

4 A. I have to believe that you're reading it.

5 Q. You were essentially contending this morning that if the
6 Bicknell's Thrush can survive in a ski area, that it will do
7 okay in a wind power project; is that right?

8 A. My point is that there's a lot of conservation issues in
9 this species, as there should be. There's been a lot of work
10 being done -- and focused work, some of the best work being
11 done by Vince right now -- most of these people are doing that
12 are local, and what we have is -- and what is right in line
13 with our observations, that this species was relatively common.

14 While we were out on our project here, we frequently
15 found it alongside the clearcut edges --

16 Q. Right.

17 A. --and when we look at their research, we're finding that
18 their -- some of their specifics -- and it's interesting
19 because they're -- if you look at the beginning of their
20 testimony, the first parts of these things -- and it should --
21 the conservation issues and a lot of these things are threats.

22 Q. Now, that Rimmer study concerned 40-year-old ski trails;
23 is that right?

24 A. I'm not sure that all of them are 40. That goes back to
25 the question we had this morning from a Commissioner about

1 when.

2 Q. The study concerned existing trails, some which were at
3 least 40 years old?

4 A. That's correct.

5 Q. So it did not deal with the effect of new construction on
6 an otherwise intact habitat?

7 A. New construction would probably go through the course of a
8 single year --

9 Q. I'm sorry, I'm saying the study did not deal with new
10 construction; isn't that right?

11 A. As far as I understand it, yes.

12 Q. And the study also did not compare densities of the bird
13 before the building of the ski trails or ski facility and
14 densities afterwards; is that correct?

15 A. What it does show is that --

16 Q. I just want a yes or no.

17 A. You're correct.

18 Q. Okay, thank you. Doesn't Rimmer in fact caution that his
19 scientific data does not enable him to predict the impact the
20 creation of these trails may have on Bicknell's Thrush habitat?

21 A. He does caution that. He also cautions that openings
22 created of 50 meters may be a problem.

23 Q. Right. There have not been any studies that do evaluate
24 the effects of constructing a wind power project on Bicknell's
25 habitat; is that correct?

1 A. Again, the conservation interest in this species has only
2 just in the last few years become something that a lot of folks
3 are working on.

4 So there has not been -- there's been very limited
5 universal studies done. Those studies that have been done are
6 showing that there is nesting near edges and these are created
7 edges.

8 Q. I understand that. But my point is, there's no literature
9 to support the proposition that the effect of an older ski
10 facility would be the same as of effect of the construction of
11 a new wind power facility on the habitat?

12 A. Conversely, there's no literature that states that new
13 construction would be.

14 Q. Right. Okay, so you agree that there is no --

15 A. I agree with your statement. I agree with mine.

16 Q. Moving on to bog lemming. The bog lemming is a Maine
17 state threatened species?

18 A. That's correct.

19 Q. And when the Commission of IF & W designates a species as
20 threatened, it may mean that the present or threatened
21 destruction, modification, or curtailment of its habitat or
22 range, is how it's characterized.

23 Sorry. I retract that.

24 The northern bog lemming is found only in five places
25 in Maine; is that right?

1 A. Five that have been documented.

2 Q. Even within its entire range, the northern bog lemming is
3 not found in great numbers?

4 A. That's correct.

5 Q. And you discovered one bog lemming; is that right?

6 A. We had little over 1,000 trap nights, we put a lot of
7 effort all around Redington and Black Nubble, and specifically
8 looking at areas where we expected this to occur and yes, we
9 did find only one of those.

10 Q. Where was the trap site?

11 A. It was in that wetland that you --

12 Q. The stagnant wetland on top of Redington?

13 A. Yes.

14 Q. And would you say that that stagnant wetland is similar to
15 the stagnant wetland that Bud Brown found on the top of
16 Black Nubble?

17 A. Somewhat. This one --

18 Q. Okay, thank you, that's great.

19 A. There is a difference, though. If you're going to ask the
20 question, it begs for the proper answer.

21 It's not as specific as that. There was a lot
22 greater --

23 Q. Let me ask it this way then: Is that a stagnant moss
24 wetland on the top of Black Nubble?

25 A. It also has other characteristics that are not found in

1 the other wetlands that we were in.

2 Q. Okay. But I just want to establish that they have that in
3 common.

4 A. Yes.

5 Q. Thanks. So as far as the bog lemming on the top of
6 Redington, that is what you scientists refer to as one data
7 point; is that right?

8 A. Yes.

9 Q. Is it accurate to characterize a data point in terms of if
10 you're trying to evaluate the life cycle or the annual cycle of
11 an animal, you're only getting a snapshot of where that animal
12 was at one point in time versus sort of a moving picture of its
13 entire sort of daily habits and how it uses its habitat; is
14 that correct?

15 A. That's correct.

16 Q. The northern bog lemming is a habitat specialist; is that
17 correct?

18 A. Yes.

19 Q. In 2001 Woodlot Alternatives trapped two small mammals on
20 Black Nubble, and although it was later determined that those
21 were not bog lemming, you initially identified one of them as a
22 northern bog lemming; is that right?

23 A. That's questionable. You're looking at some pretty
24 obscure features, and we did have it sent to the Smithsonian.
25 The Smithsonian said, no, it's not -- I believe it was an

1 e-mail. The bottom line is I have it and it's been in my
2 office in a box since that time.

3 Q. Right. But was there some question as to whether it could
4 have been a bog lemming?

5 A. That's right.

6 Q. Because the bog lemming is a habitat specialist, it's more
7 likely to be displaced and more likely to be subject to
8 credation if a roadway or an opening is placed nearby than a
9 species that is not a habitat specialist.

10 That's what you testified in your testimony; is that
11 right?

12 A. Which is the reason why great efforts were made to avoid
13 any direct impacts to that habitat that is going to be
14 particularly relying on -- not just at that point in time --
15 but in the rest of its life cycle and also a buffer that
16 extends beyond, and again why we've gone through --

17 Q. Okay. All right, I'm sorry.

18 A. I'm sorry, too.

19 Q. I did want to talk about that, that you did move the road
20 away from the buffer area; is that right?

21 A. At least three road placements, and I believe in talking
22 to our engineer we can move it even farther now.

23 Q. In the newly leased area, have you delineated the wetlands
24 in that particular physical area?

25 A. That will, again, be part of the --

1 Q. Sorry --

2 A. No.

3 Q. Can you tell me the definition of habitat?

4 A. For what?

5 Q. Well, just generally for -- just generally -- what I'm
6 getting at is I would like you to talk a little bit about what
7 the definition of home range is versus the definition of
8 habitat for a species.

9 A. I think it's fair to say that you want something -- a
10 particular -- those parts of the environment around it that
11 support all of its necessary life events: Breeding, nesting,
12 foraging, resting.

13 All of those and the range, the amount of cover that
14 it needs to support itself. It depends on diet, the number of
15 males and females.

16 Q. So that's the definition of home range, sort of everywhere
17 an animal may move in its annual cycle or its life?

18 A. Home range, yes. It's --

19 Q. Okay. Can you map an animal's home range from one data
20 point?

21 A. We -- if you go back to the point that you made a while
22 ago about the habitat specialist, this is something that
23 requires and provides a feed time -- carrots and grass seeds
24 and --

25 Q. Yes.

1 A. They like those things. Within that wetland area.

2 Q. Right. But my point is, my question is: Can you map an
3 animal's home range from one data point?

4 A. Absolutely not.

5 Q. Thank you.

6 A. We know enough about the species, though, to predict where
7 we're going to find it, which is the reason why we found them
8 in that location when we did our tracking.

9 Q. Moving on to the radar surveys that you all did, you
10 conducted radar surveys both in the fall of 2002 and the spring
11 of 2004; is that correct? For nocturnally migrating birds and
12 bats.

13 A. That's right.

14 Q. In your fall 2002 study, where was the equipment placed?
15 Where was the radar equipment placed?

16 A. It was on the approach on -- our discussions with
17 IF & W --

18 Q. Just, I'm sorry. You know what? I've got like 5 minutes
19 left.

20 A. I'm sorry. It was down on the northern slopes of
21 Black Nubble Mountain.

22 Q. Okay, great.

23 So it was not directly on top of the mountain where
24 the turbines will be placed; is that correct?

25 A. The radar was not but the acoustic detectors were.

1 Q. I'm just talking about the radar. I'm only interested in
2 the radar right now.

3 So the radar was not up there?

4 A. No.

5 Q. In both the fall study and the spring 2004 study you
6 placed the radar in the horizontal position; is that correct?

7 A. And that was in accordance with IF & W -- yes.

8 Q. What type of data can be collected when the radar is in a
9 horizontal position?

10 A. The number of -- the frequency of targets that are moving
11 through an area, the direction.

12 Q. Great. And what is insect contamination when you are
13 taking surveys of nocturnally migrating birds and bats?

14 A. The radar, depending on the settings of how you configure
15 and operate your radar, can pick up insect -- insect data as a
16 target.

17 Q. Okay. And to account for the relatively high passage rate
18 at Redington, in your testimony you have said that part of that
19 may be due to the insects that may have been picked up by the
20 horizontal radar; is that correct?

21 A. That's correct.

22 Q. And then in order to get altitude so you know exactly how
23 high they're flying over the mountain, the only way to do that
24 is to place the radar in the vertical position; is that right?

25 A. That's how it's typically done.

1 at Kibby, and then there was some previous work conducted by
2 another company.

3 Q. So take the study since 1998, all the surveys, of those
4 the only two that don't have altitudinal data is Redington;
5 isn't that correct?

6 A. No, that's incorrect.

7 Q. What other one?

8 A. I think it's perfectly appropriate to include Kibby --

9 Q. 1998. I said from 1998 on.

10 A. From 1998 on, yes, that's correct.

11 Q. Okay, thank you. Right now -- or I should say relatively
12 recently Woodlot performed some studies for TransCanada for
13 it's Kibby Mountain project; is that right?

14 A. That's correct.

15 Q. For those bird and bat avian studies, you were also
16 looking for nocturnally migrating birds and bats; is that
17 right?

18 A. Yes.

19 Q. And you placed the radar actually on top of the mountain
20 for that study, is that correct, for the fall? I'm talking
21 about the fall of 2005 report.

22 A. Yes.

23 Q. And you were able to take the altitude of the flying birds
24 and bats?

25 A. Yes.

1 Q. And therefore you were able to calculate the percentage of
2 birds that would be flying within the road swept areas; is that
3 correct?

4 A. Yes.

5 Q. And you were also able to adjust for what Steve just
6 described, the insect contamination, so in other words, you
7 have a good idea of what's a bird or a bat versus an insect?

8 A. Yes.

9 Q. Isn't it your opinion that typical avian studies now
10 require horizontal and vertical radar?

11 A. Currently, yes. As Steve had mentioned earlier, there was
12 an evolutionary process. He uses this type of technology for
13 this documenting nighttime numbers.

14 Q. But also haven't you recently testified that if a bird
15 survey does not account for insect contamination, that it's
16 essentially invalid, that it's critical that you be able to
17 differentiate insects from birds and bats?

18 A. It is important to differentiate between insects and birds
19 and bats if you're going to compare those results apples to
20 apples with other surveys that use the same techniques and the
21 same equipment.

22 Q. I'm referring to the testimony that you gave to the
23 Vermont Public Service Board criticizing the Applicant's bird
24 survey that they had done for the project.

25 In fact, you said that you cannot make a valid

1 assessment of the number of birds on a site if you don't
2 differentiate the insects from the birds; isn't that correct?

3 A. That's correct --

4 Q. Okay, thanks.

5 A. There was a significant --

6 Q. I know --

7 A. -- difference on how that study was conducted.

8 Q. I don't want to get into that. I just want to make that
9 point that it needs to be done.

10 MS. JACOBSON: Thank you, I have nothing further.

11 MR. PLOUFFE: I'd like to call Dwight Anderson.

12 EXAMINATION

13 BY MR. PLOUFFE:

14 Q. Hi, Dwight.

15 A. Hi there.

16 Q. Has DeLuca-Hoffman ever designed roads at elevations above
17 2,700 feet?

18 A. Not that I'm aware of.

19 Q. Did DeLuca-Hoffman design the transmission line for this
20 project?

21 A. No, but we did put an erosion plan together to help with
22 the permitting.

23 Q. Who did design the transmission lines, the routes for the
24 transmission lines?

25 A. I would defer to someone else to answer.

1 Q. You don't know? Do you know who designed the
2 transmission --

3 A. I think the design's ongoing. I don't think the final
4 design is complete.

5 Q. What about the transmission lines routes shown on the
6 DeLuca-Hoffman sheets that are part of the application?

7 A. We worked with the Applicant to come up with these routes
8 over the past three years.

9 Q. So are what are in front of the Commission at this time;
10 right?

11 A. That's correct.

12 Q. Who designed those, the Applicant?

13 A. Again, I would let someone else answer that question.

14 Q. Who told you where to put them on the plans?

15 A. We worked with the Applicant on that.

16 Q. Harley Lee?

17 A. And staff.

18 Q. Staff of Endless Energy?

19 A. Correct.

20 Q. What are the maximum weights for which the roads, access
21 roads, will be built?

22 A. The access roads need to be able to convey a 15-ton axle
23 equivalent.

24 Q. What's the maximum weight on the Maine turnpike for
25 trucks?

1 A. I believe it's --

2 Q. Expressed in terms of tons per axle equivalent.

3 A. Well, it's 80,000 pounds, I believe, without a special
4 permit, and you would have to take that and divide it by the
5 number of axles.

6 I'm not prepared to do that calculation in my head.

7 Q. Do you happen to know whether type of axles? Do you know
8 what I mean, the hubs for the turbines, do you know what they
9 weigh?

10 A. Yes, I believe they're 70 tons.

11 Q. Would they be able to go over the Maine turnpike?

12 A. I believe they would need special permitting.

13 Q. There's been significant testimony from you and others to
14 the effect that after construction the summer roads will be
15 constructed to 32 feet, as I understand it, plus the crane
16 operating areas will be revegetated so that summer roads would
17 be narrow; is that right?

18 A. That's correct.

19 Q. My question is with respect to both the width of the roads
20 and with respect to the crane operating areas, if a turbine
21 breaks down after this project is constructed and the area has
22 been revegetated, how are the cranes going to get up the roads
23 to fix the turbines?

24 A. The vegetation would need to be cleared to access them
25 again.

1 Q. So you would bring it back to 32 feet and whatever the
2 width was of the crane area?

3 A. Let me clarify that. I think -- according to how they
4 were dismantled, I think you would probably use different
5 equipment to dismantle them than they were erecting them with,
6 so that would depend on what type of equipment is used in the
7 future.

8 Q. It would depend of the type of repair needed? If you
9 needed to replace a nacelle, I guess I would have to have the
10 same type of equipment that I in the first place?

11 A. Well, understanding that there's always specialty
12 equipment coming on line, people do things in different ways on
13 different projects.

14 Q. Your testimony says that you're proposing construction of
15 these roads in the wintertime; is that right?

16 A. That's correct.

17 Q. And that's -- you need to do this in the winter to meet
18 time deadlines; is that it?

19 A. It's my understanding.

20 Q. Your testimony also says that after the project is
21 constructed that the only access to the summit and therefore
22 the turbines during the wintertime will be by small ATVs -- is
23 what you said in part of the application -- and then in your
24 prefilled testimony you added that the turbine sites might be
25 accessed by track snowmobiles; correct?

1 A. Correct.

2 Q. So these roads are not going to be maintained so that
3 large trucks can go up them in the wintertime?

4 A. In the event they needed to be accessed, they could be.

5 Q. How would that happen?

6 A. Well, you need to bring in equipment and remove the snow
7 so that you could travel up to the peak.

8 Q. How deep does the snow get on the summit of Redington in
9 January/February?

10 A. Actually, I've snow mobiled most of the way to the top of
11 Black Nubble in January, and it was probably on the order of 3
12 to 4 feet.

13 Q. Have you personally walked over the access road
14 centerlines that are shown on your plans?

15 A. I have not; however, Woodlot has testified --

16 Q. All right, I hear Mr. Pelletier's testimony.

17 So you have not. How did you prepare the road
18 layouts?

19 A. I did walk a significant portion of the access road and
20 also walked up portions of the summit road to familiarize
21 myself with the site and anticipate conditions.

22 That, supplemented with aerial topography, 5-foot
23 contours, putting together slope maps, we were able to pick the
24 best route, you know, to have the least impact on the mountain.

25 Q. If I may interrupt, then you used aerial photography and

1 some available data to design the roads essentially in your
2 office?

3 A. I would -- no, I would not agree with that because I did
4 walk a significant portion of the routes, including other
5 routes that weren't selected, to evaluate the mountain and pick
6 the best route that we feel is most appropriate, best suited,
7 to cause the most -- the least undue adverse impact.

8 Q. But you haven't personally -- you already testified, you
9 haven't personally walked all the routes?

10 A. Not every inch.

11 Q. You haven't walked the transmission lines at all, I take
12 it?

13 A. Actually, I have walked out to a number of points along
14 the transmission lines just to see how we would access them.

15 Q. But you haven't walked them all?

16 A. No, I have not walked the entire --

17 Q. Throughout your sheets, the C series sheets, that show the
18 transmission lines and the roads, they're peppered, if you
19 will, with the note, ground obscured?

20 A. Yeah, I'm familiar -- yes.

21 Q. What's that mean?

22 A. Essentially what that means is the aerial photography that
23 was taken when they're looking down through there's vegetation,
24 and they can't ascertain the exact elevation because they can't
25 actually see to the ground.

1 Therefore, that note's on there to advise us that the
2 actual spots vary a given amount in those areas.

3 Q. So if I look at those roads and the transmission lines,
4 certainly I should assume that the actual may differ than
5 what's on those plans?

6 A. To a minimal degree compared to the size of the project
7 that we're working on here, yes.

8 Q. Relatively speaking, you said?

9 A. Relatively speaking it could differ.

10 Q. I heard the testimony of Mr. Pelletier, so he gave you Mr.
11 Pelletier and one of the attorneys -- gave you the information
12 on the location of wetlands and other protected natural
13 resources; is that correct?

14 A. That is correct. He shared files throughout the process.

15 Q. Did you put it on your sheets -- your C series sheets to
16 show the transmission lines and the roads?

17 A. Wetlands --

18 Q. I know wetlands are on there.

19 So what Mr. Pelletier gave you is on those sheets?

20 A. I do not believe the wetlands actually show up on that
21 base map behind you, because that information is all shown on
22 his mapping.

23 On our C series sheets, which show the --

24 Q. Which I have here if you want to see. I have them blown
25 up.

1 A. Yes, and on those C series, those wetlands do show up.

2 Q. That's what Woodlot Alternatives gave you. So if it's not
3 on your sheet, they didn't give it to you; is that right?

4 A. Yeah, for the C series mapping it's not on there. They
5 didn't give us --

6 Q. Did you do the storm water and erosion control portion of
7 the application?

8 A. Yes.

9 Q. What did you use for precipitation data for Redington and
10 Black Nubble?

11 A. I believe we pulled the appropriate county SCS intensity
12 curves. I can't give you the exact number we grabbed in the
13 report for the storm events. We then used the 25-year storm
14 event.

15 Q. Did you use snow pack melt in your computations?

16 A. They're not included in the computations; however, there
17 is a factor of 2, at least, in the design.

18 Q. With respect to blasting, I have a series of questions for
19 you.

20 With respect to blasting -- a question from a
21 Commissioner -- as I read the application, each turbine will
22 have a footing that will be 30 feet deep?

23 A. I believe the application actually has a series of options
24 for the foundation in its current place.

25 Q. Yesterday the application, unamended by subsequent

1 comments, that is, footings 30 feet deep by 10 to 15 feet wide.

2 That's one of the options?

3 A. Okay, there is an option. I do understand there is an
4 option with a foundation 30 feet deep.

5 Q. So you would blast holes 30 feet deep on top of Redington
6 peak to make these footings for the turbines?

7 A. For that particular design, if it was chosen you would.

8 Q. Just quickly, you made reference in your testimony this
9 morning the fact that you had talked to someone in Colorado
10 about mountain road building?

11 A. That's correct.

12 Q. When was that?

13 A. We've actually been in communication with that person over
14 the past several months.

15 Q. Several months, since January 1st?

16 A. I don't know the exact date.

17 Q. After your application was submitted, you called them;
18 right?

19 A. Again, I would have to look.

20 Q. After your application was submitted, you called them,
21 correct, because you were concerned about your experience in
22 building mountain roads after you saw the intervenor comments?

23 A. I believe it was after.

24 MR. PLOUFFE: Thank you very much. That's all I
25 have.

1 I would like to call Terry DeWan.

2 Again, I'm not trying to be rude and curt or
3 anything.

4 EXAMINATION

5 (Of Mr. DeWan)

6 BY MR. PLOUFFE:

7 Q. Terry, you say in your prefiled that you had worked in the
8 Kenetech project.

9 Have you worked in any other wind farm projects in
10 the country other than Kenetech and this one?

11 A. We've done some photo simulation for another project in
12 Vermont since then. I was also a consultant -- I was also
13 asked by the National Park Service as part of their countryside
14 stewardship exchange to go to England to look at wind power
15 development in England.

16 Q. Are either of those engagements in your vitae?

17 A. I believe the England experience is. The other one in
18 Vermont is a very recent application.

19 Q. Page 66 of your report you said there was substantial
20 input from State and Federal agencies in the design and the way
21 you do projects.

22 What advice did you receive from the State agencies
23 regarding seeping impact issues?

24 A. Are you talking about my prefiled testimony here?

25 Q. No, of your visual impact assessment, VIA.

1 A. That referred to the project as a whole, not specifically
2 to our involvement. I think that in light of all the
3 discussion, people like Dave Rocque, for example, at IF & W --

4 Q. I'm sorry, but did you receive any advice from State,
5 Federal agencies regarding visual impacts on this project?

6 A. I personally didn't receive any advice, but I think the
7 message was to minimize the visual impacts wherever possible.

8 Q. Were you aware of any National Park Service concerns about
9 this project because of the proximity of the Appalachian Trail?

10 A. Not until we saw the comments for Pam Underhill and other
11 people from the National Park Service.

12 Q. So Harley Lee never told you that the National Park
13 Service was opposed to this project?

14 A. I don't believe I ever had that conversation.

15 Q. On Page 6-32 of your visual impact assessment, you say,
16 there are no national parks within the view shed of the
17 proposed RWF, acronym for Redington Wind Farm --

18 A. Yes --

19 Q. -- from earlier iterations of this application before it
20 was filed; is that right?

21 A. Part of the evolutionary process, yes, sir.

22 Q. And it goes on and says, Acadia National Park, which is
23 over 100 miles to the southeast, will not be affected by the
24 project.

25 If this project, Redington Wind Farm, were within a

1 mile of Acadia National Park, would your conclusions about
2 visual impacts be different than the conclusions in your
3 report?

4 A. I guess it would depend upon where in Acadia National
5 Park. It's a very large, multi-proprieted --

6 Q. If I could see this wind farm within a mile of Cadillac
7 Mountain, would your conclusions be different?

8 A. Probably would.

9 Q. I'm going to show you what I've marked --

10 MR. PLOUFFE: Marcia, I'm just going to call my
11 exhibits ATC 1 and so forth.

12 BY MR. PLOUFFE:

13 Q. -- which is a brochure --

14 MR. PIDOT: Can we get copies of the exhibits?

15 MR. PLOUFFE: That particular exhibit is already in
16 the record, Jeff. It's the MPS brochure on the AT.

17 MR. PIDOT: Thank you.

18 BY MR. PLOUFFE:

19 Q. Are you familiar with those brochures?

20 A. I am. Not this particular one.

21 Q. Are you now aware that the Appalachian Trail is a unit of
22 the National Park System?

23 A. We have always felt it was a unit of the National Park
24 System.

25 Q. Sometimes you treated it differently because you didn't

1 think it was a national park?

2 A. We were responding to the DEP criteria for scenic impacts.

3 The specific questions that was asked in the DEP 315
4 regulations was is it within a certain distance of a national
5 park.

6 We went to the National Park Service website. We
7 asked, you know, what are the various components of the
8 national park. The national parks, per se, like Acadia and
9 Yellowstone, are listed separately from scenic trails.

10 Our conclusion from that is that there are different
11 units within the National Park Service. The Appalachian Trail
12 is a scenic trail.

13 We did go on, of course, in our VIA, to describe the
14 Appalachian Scenic Trail.

15 Q. I'm looking at Chapter 315, Terry. You apparently helped
16 write Chapter 315, and I'm looking at that -- that's, by the
17 way for the Commission members, the NRPA standards adopted by
18 Maine DEP for visual assessment -- I'm sure you're familiar
19 with this.

20 Section 10 talks about scenic resources and lists a
21 number of them. It may be national, state, or local
22 significance, A, B, C, D; E is national or State parks.

23 Is that what you're telling me about?

24 A. That is correct. And it goes to ask under C, is it within
25 a certain distance of a State or Federal trail. I consider it

1 to be a Federal trail.

2 Q. Is it your position that a Federal trail, if you want to
3 make that distinction, should be treated differently from a
4 national park even though the regulation doesn't state that?

5 A. I didn't say that. Just in terms of filling out this
6 particular form, we made the distinction.

7 Q. The specific words, national park, you might have treated
8 differently just as you told me you would have for Acadia.

9 I'll go on to another question.

10 When you did your VIA, did you know that the
11 Appalachian Trail was designated by the Maine legislature as
12 part of the Maine Trail System and specifically as a primitive
13 trail in the Maine Trail System Act?

14 A. I was not aware of that.

15 Q. When you did your VIA -- where in the VIA would I find the
16 discussion of the values of the Appalachian Trail?

17 A. I don't know if we could point to -- I don't know if I
18 could address that specific concern without going through my
19 VIA.

20 Q. Did you consult the Appalachian Trail Management
21 Comprehensive Plan that the Federal government has?

22 A. No, we did not.

23 Q. Mount Abraham is located off the AT corridor but is
24 connected by a side trail about 1.7 miles. You must know that
25 because I saw your photos taken from the summit of Mount

1 Abraham.

2 Were you aware that Mount Abraham is owned by the
3 State of Maine when you wrote your VIA?

4 A. I was not then, and we discovered it afterwards.

5 Q. I'm going to show you what I've marked as ATC 2.

6 THE CHAIR: Are these in the record?

7 MR. PLOUFFE: This one is not.

8 BY MR. PLOUFFE:

9 Q. Terry, that's the website for Land for Maine's Future; are
10 you familiar with that?

11 A. Yes, I've seen it.

12 Q. Okay. But you're now aware that Mount Abraham is owned by
13 the State of Maine?

14 A. I am.

15 Q. Named as an ecological reserve?

16 A. Yes.

17 Q. What's the first thing that the description on the website
18 says?

19 A. 1409 feet, the summit of Mt. Abrams offers panoramic views
20 of Maine's western mountains.

21 Q. Under Chapter 314, wouldn't Mount Abraham deserve special
22 attention as a scenic view area?

23 A. It certainly would require recognition, that is there, in
24 terms of doing inventory.

25 That doesn't necessarily mean -- it's also within the

1 view shed.

2 Q. I understand. But you didn't consider it as such because
3 you didn't know it was State owned when you did your VIA;
4 correct?

5 A. Correct.

6 Q. I want to show you ATC 3.

7 MR. PLOUFFE: Jeff, that's part of Terry's report.

8 BY MR. PLOUFFE:

9 Q. And that's your 2003 Hiker Survey, Page 20 of the Vermont
10 decision report. The scenic value of existing view from Mount
11 Abraham was rated very high, and then you have a bar graph; do
12 you see where I am?

13 A. Yes.

14 Q. If I read this correctly, 7 is the best rating that the
15 viewer could give Mount Abraham, 6 would be the next best, and
16 so forth?

17 A. That is correct.

18 Q. So you showed them -- or Market Decisions showed them,
19 this is part of your report -- showed them a picture of
20 Mount Abraham without the windmills; correct?

21 A. That's right.

22 Q. And 82 percent of the people rated it at either a 6 or a
23 7, I'm going to call it, a knock your socks off view -- my
24 personal opinion, the best in the state of Maine.

25 Am I right?

1 A. It was rated 6.3.

2 Q. When you showed them the simulations with the windmills
3 there, what percentage of the people rated it as a 6 or a 7?

4 A. The rating dropped to 4, 4.04.

5 Q. In total the combined people who rated it as a 6 or 7 in
6 terms of percentage, 14 percent versus 82 percent.

7 Doesn't that suggest to you a significant visual
8 impact?

9 A. We do recognize and we stated so in our testimony that
10 there was a diminishment of the scenic value of some
11 viewpoints.

12 We would also like to point out, though, that the
13 majority of the people still considered it to be 27 percent, 6
14 percent, 8 percent, you know, roughly 40 percent still rated it
15 5, 6, or 7.

16 Q. It wasn't knock your socks off, was it?

17 A. People felt that it was a different view.

18 Q. I'm going to show you ATC 4. Again, this is from the
19 Market Decisions survey. This is from North Crocker Mountain,
20 a view of Redington from North Crocker Mountain.

21 The preconstruction numbers are a 6 or a 7; 32
22 percent, 58 percent, 90 percent of the people thought it was a
23 6 or a 7?

24 A. Before you get into that, let me just point out that there
25 is no view from the Appalachian Trail to North Crocker Mountain

1 except for that little tiny bit over the tops of the trees that
2 we saw on my second slide.

3 Q. What were they looking at here?

4 A. What we looked at, as we've said in our prefiled testimony
5 and on our website, that there is what we call a surveyor's
6 cut.

7 On the top of North Crocker Mountain there's a
8 pathway that goes down to an overlook. If somebody wanted to
9 see the full extent, they would be able to go down there.

10 Q. Is that within the Appalachian Trail corridor even though
11 it's on the footpath?

12 A. I'm not sure.

13 Q. Do hikers often go to the lookout trails?

14 A. It's not an identified overlook like the one at
15 Saddleback.

16 Q. Would they?

17 A. Well, if people -- yeah, we think people here would be
18 very interested to see this facility and this will be one place
19 where they could go to see it.

20 Q. 90 percent said that it was 6 or 7 before and after the
21 wind farm developed, 13 percent said it was a 6 or 7.

22 So Mount Abraham and Crocker Mountain, both
23 viewpoints from areas listed in Chapter 315 as being special,
24 probably national significance, and it was a large impact on
25 the viewer appreciation of the area?

1 A. Keeping in mind, of course, that North Crocker is off the
2 Appalachian Trail and there is no view from the top of North
3 Crocker Mountain.

4 Q. On Page 25 of your prefiled testimony you discuss form and
5 you make note that the turbines are very tall.

6 We know that they're 410 feet.

7 A. That's to the top of the blade at full extension.

8 Q. And you later on note that they're not indigenous
9 elements, that they will attract the eye; correct?

10 A. That's right.

11 Q. Isn't it also true of Vestas 90s, the turbine that you're
12 going to put up?

13 A. Can you repeat that.

14 Q. That it's true?

15 A. Which is true?

16 Q. That they will attract the eye?

17 A. Yes.

18 Q. The motion of the windmill make it even more so; right?

19 A. That's right. The Vestas 90 -- you know, I've seen
20 windmills all over the country, and one of the things that
21 attracts the eye a lot, especially in the earlier model, is the
22 rate that the blade turn.

23 These turn fairly slowly, once every 1 to 2 seconds
24 past the aperture. You'll still see the blades.

25 Q. Your report, your visual impact assessment, did not take

1 into account the effects of the required lighting on the
2 turbines; correct?

3 A. Well, we discussed the lighting. We discussed the
4 lighting this morning.

5 Q. The prefiled you didn't?

6 A. Yes, correct.

7 Q. Your visual assessment did not really go to like Misuzu,
8 for example, how many lights would be required?

9 A. That was an evolving discussion with the FAA at that
10 point.

11 Q. In fact, it wound up that how many turbines would be
12 lighted?

13 A. There are 15 of the 30.

14 Q. And each will have two lights on them; correct?

15 A. Yes. And we should make a correction from what was stated
16 this morning -- thank you for bringing it up -- according to
17 FAA regulations is to prevent one of the lights from being
18 rendered invisible by the action of two side by side of the
19 tunnel itself.

20 Q. You stated this morning that part of your visual
21 assessment used methodology of the US Forest Service?

22 A. Yes, it's a methodology we've used this on countless
23 occasions in dealing with DEP and other applications throughout
24 the state of Maine.

25 Q. How do you explain the fact that Eric Crews -- he's going

1 to talk to us later this afternoon -- came to a completely
2 different conclusion from you using Forest Service methodology?

3 A. Well, part of the methodology is to look at your diagrams
4 that are created.

5 In this case he chose not to use photo simulations.
6 As you can see by his illustrations behind you, those are
7 computer-generated illustrations.

8 If you look at his statement of criteria, it's very
9 interesting. I have never met Mr. Crews before, I have a great
10 deal of respect for his work. He used -- any assessment is
11 based on certain assumptions, for example, he assumed the tree
12 height above 3,400 feet are 10 to 25 feet. We know with
13 talking to Woodlot Alternatives, they're probably in vicinity
14 of 25 to 50 feet.

15 That has a great deal of bearing in terms of
16 visibility of roads and transmission lines, things that will
17 determine the visual quality.

18 He also says -- when he says to the computer to
19 generate the illustration that above 3,400 feet he assumes that
20 the trees are at a density of 300 stems per acre.

21 This works out to be about one tree every 13 feet on
22 the grid. Well, we saw in some of the photographs this
23 morning, the trees in some places are almost impenetrable.
24 There are a lot more than that.

25 The lighting issues aren't there. The color of the

1 turbines are not right. We've used a white turbine now, he's
2 using a gray turbine. That will have a difference when you see
3 it up against the light sky.

4 Q. I'm sorry, I thought you started with white being moved to
5 gray?

6 A. We are at gray right now. We're at white right now. I'm
7 talking about this.

8 Q. Okay, I thought you were telling me that you are using
9 white now?

10 A. We are.

11 Q. So you dispute --

12 A. The other thing, too, is that when you do an assessment,
13 you take into account not only what is being proposed but the
14 content. In this particular case, the simulations that we had
15 done, it's a photograph. You see what's out there.

16 When Mr. Crews did his, he did not show any ski
17 areas, any transmission lines, any of the roads, any of the
18 clearcuts, and harvesting operations that are in the landscape
19 already.

20 It looks like it's an undisturbed landscape. As we
21 know from the photographs this morning, that is not the case.

22 Q. If you're hiking from Route 4 to Route 27, after you get
23 over to the Horn, do you know where that is?

24 A. Yes.

25 Q. Can you see the Sugarloaf ski area?

1 A. Which Horn are you talking about? The Horn at Bigelow or
2 the --

3 Q. The Horn on Bigelow. From the Horn on Bigelow, can you
4 see the Sugarloaf ski area? Can you see the Saddleback
5 development?

6 A. There are a couple of places where you're probably not
7 going to see any other development.

8 The majority places, though, along this 24 miles --
9 34 miles where you do see views, you are also seeing other
10 forms of cultural modification.

11 Q. But not the skiers?

12 A. Up on Bigelow you're looking -- to Sugarloaf.

13 Q. I understand that, but from Route 4 to Route 27, you don't
14 see the Sugarloaf ski area; is that correct?

15 A. That is correct.

16 MR. PLOUFFE: Thanks for the conversation.

17 Mr. Mann, next, please.

18 How are you?

19 MR. MANN: Good, thank you.

20 MR. PLOUFFE: Do you mind if I call you Randy?

21 MR. MANN: That's fine.

22 EXAMINATION

23 BY MR. PLOUFFE:

24 Q. The Applicant here is Maine Mountain Power, LLC; correct?

25 A. Yes.

1 Q. It is not Edison Mission Energy; correct?

2 A. That's correct.

3 Q. My understanding of an LLC is that the members of the
4 LLC -- which in this case would be Mission Wind Maine, LLC and
5 Endless Energy -- it's my understanding that the members of the
6 LLC are not legally responsible for the obligations of the LLC,
7 it is a limited liability company, much the same as
8 shareholders of corporations are not personally liable for the
9 obligations of the corporation; correct?

10 A. That's correct.

11 Q. So we have Maine Mountain Power, LLC as the Applicant, we
12 have Mission Wind Maine, LLC as one of the members.

13 Now, both of those LLCs are Delaware LLCs formed in
14 the fall of 2005; correct?

15 A. I can't recall if they're Delaware LLCs.

16 Q. Were they formed in the fall of 2005?

17 A. Probably about that date, I'm not sure.

18 Q. Is Mission Wind Maine, LLC a subsidiary of Edison Mission
19 Energy?

20 A. One moment. Edison Mission Wind is a subsidiary of Edison
21 Mission Energy.

22 Q. So then the thread from you, you're Edison Mission Energy,
23 I take it, goes from Edison Mission Energy to Edison Mission
24 Wind -- I'm sorry, Mission Wind Maine, LLC to Maine Mountain
25 Power, LLC?

1 A. Which is a very typical way of corporation structures
2 their investments.

3 Q. And limits their exposure, obviously?

4 A. Yes, it can.

5 Q. If I look at the application, can I find any information
6 on the financial position of Maine Mountain Power, LLC, the
7 Applicant?

8 A. What we've provided is a letter that describes Edison
9 Mission Energy's commitment to fund the capital contributions
10 necessary to -- Mission Wind Maine to fund Maine Mountain
11 Power.

12 Q. Will I find anything about the Applicant's financial
13 position other than what you've just told me?

14 A. The key fact about the Applicant's financial position is
15 that the capital contributions will be funded by Edison Mission
16 Energy through Mission Maine. That's the most important piece.

17 Q. And I asked your attorney to provide information on MMP,
18 LLC, and Maine Mountain Power and I was denied; correct?

19 A. I don't know whether you were denied.

20 Q. The deputy attorney general asked this morning about the
21 final decision on whether or not go with this project or not.

22 It would be up to the board of directors of Edison
23 Mission Energy; is that right?

24 A. Actually in this case it would be the managing committee
25 of Edison Mission Energy.

1 Q. They look at a number of things, I'm sure, I suspect,
2 including whether or not this project will meet their internal
3 rate of return that they look for in all their projects? In
4 other words, when they invest capital, they want a certain rate
5 of return?

6 A. Clearly.

7 Q. Do you know that I went on the website of Edison Mission
8 Energy, and I see that you have to file a Notice of Affiliates
9 with the State of California; do you know anything about that?

10 A. No, I don't think so.

11 Q. Do you know whether or not either Mission Wind Maine or
12 Maine Mountain Power, LLC is considered to be an affiliate?

13 A. I don't know for what purpose these filings are that
14 you're referring to are made.

15 Q. That even though you are listed as a principal officer of
16 certain other affiliates, like Lucky Wind Maine, LLC, you and
17 Rebecca Walters?

18 A. Yes, there are certain regulations when we have power
19 generating facilities, and we're required to notify government
20 authorities of that, so that's probably the issue there.

21 Q. If I told you that neither Mission Wind Maine or Maine
22 Mountain Power was listed as an affiliate, can you explain why?

23 A. Yes; I believe that the projects that you're referring to
24 are in operation, and so the filings are made after we've
25 commenced operations.

1 Q. Have you ever made an estimate of the cost for
2 decommissioning this project?

3 A. We have reviewed it, not in a great amount of detail, but
4 we have reviewed it.

5 Q. So in today's dollars what would it cost?

6 A. I'm not sure of the exact answer. We have committed to
7 decommissioning these turbines if and when necessary.

8 Q. Will you commit to having a third party guarantee those
9 costs?

10 A. We're open to consider any permit conditions, but we don't
11 believe that's necessary. Generally speaking, the salvage
12 value is greater than the decommissioning costs.

13 Q. But you don't know what the decommissions costs are?

14 A. We can provide estimates of those costs.

15 Q. You don't know?

16 A. Not right now, no.

17 Q. The wind data on Page 90 in the prefiled you mentioned
18 that you have wind data. That was --

19 MR. THALER: Mr. Chairman, I don't mean to interrupt.
20 Can I just ask for a clarification? I think his 70 minutes are
21 up. Are all parties going to be going over or allowed to go
22 over?

23 We made a big effort to stay within our time this
24 morning.

25 THE CHAIR: Where are you?

1 I'll give him two minutes and I'll give you the same
2 courtesy on the other end when you do your cross, how's that?

3 MR. THALER: Thank you.

4 BY MR. PLOUFFE:

5 Q. You've engaged in a number of projects related to the wind
6 industry since 1991?

7 A. 1998.

8 Q. In the Vestas 90s, is the lubricating oil in the nacelle?

9 A. You'll have to ask that of Vestas.

10 Q. Can Vestas Maine answer that question for me?

11 EXAMINATION

12 MR. BULOW: I can't say this off the top of my head.

13 BY MR. PLOUFFE:

14 Q. Give me an estimate if you could.

15 A. I would need the type number.

16 Q. In your experience around the world, do these wind
17 turbines get struck by lightening or occasionally? Do they
18 catch fire occasionally?

19 THE CHAIR: Let him come down to the microphone so we
20 can all hear the answer, please.

21 THE BULOW: The answer is yes.

22 BY MR. PLOUFFE:

23 Q. So they do catch fire occasionally?

24 A. Yes.

25 Q. Through lightening or other causes, for example, brakes

1 heating up?

2 A. Yes.

3 Q. How do you fight those fires?

4 A. You normally don't.

5 MR. PLOUFFE: I guess I'm out of time. Thank you,
6 Mr. Chairman.

7 MR. PIDOT: Bill -- Bill Plouffe, could you make sure
8 that the exhibits that you handed out are also given to Marcia.

9 Just to remind you, you indicated that you wished to
10 have more time. Obviously other points that you might want to
11 make can be made during the comment period just as effectively
12 as cross-examination.

13 MR. PLOUFFE: Thank you.

14 THE CHAIR: We're going to continue right along with
15 the other intervenors.

16 The next group of intervenors is the Conservation Law
17 Foundation. Steve Hinchman's going to do that. Very good.

18 MR. HINCHMAN: I'd like to ask John Hanisch and Steve
19 Garwood.

20 THE CHAIR: Excuse me, who was the first name?

21 MR. HINCHMAN: John Hanisch. If I could ask the
22 Commissioners to pick up the PALCOR sheet and turn to the page
23 headlined, Redington Will Usually Displace Gas, and it's got a
24 bar chart with price per megawatt hour of different fuel types.

25 THE CHAIR: Excuse me, Steve, who's testimony is that

1 in PALCOR.

2 MR. HINCHMAN: It would be John Hanisch's primarily.

3 Thank you, Mr. Chairman, Commissioners. I'm Steve
4 Hinchman, I'm an attorney for the Conservation Law Foundation.

5 I'd like to ask a couple questions that relate to one
6 of the issues last night extensively, which is will this
7 actually avoid emission, displacement of fossil fuel generated
8 pollution if this plan is construction.

9 EXAMINATION

10 (Of Mr. Hanisch)

11 BY MR. HINCHMAN:

12 Q. Your analysis, Mr. Hanisch, concludes that there will be
13 134,000 tons per year of CO2 displaced; is that correct?

14 A. 134,000 tons total of all pollutants.

15 Q. All pollutants, not just CO2?

16 A. I think I added them up.

17 Q. And that figure assumes that the Redington Wind Farm will
18 displace or back down a natural gas-fired power plant
19 primarily; is that correct?

20 A. Yes, a natural gas powered power plant in the state of
21 Maine.

22 Q. And the average emissions for that plant was supplied by
23 who?

24 A. It was a report that was generated by ISO New England in
25 2004.

1 Q. That figure, 134,000 total tons per year, assumes just
2 that single marginal emissions rate from a natural gas plant,
3 not from any other type of plant?

4 A. That's correct.

5 Q. If we're looking at the bar chart from your testimony, you
6 can see that on a typical day that would be the gray bar, the
7 horizontal gray bar at the bottom lines up directly under new
8 gas.

9 A. That's correct. There's a picture behind you, in fact,
10 that shows right there.

11 Q. And the inference is on a typical day the only nuclear,
12 hydro, wind, coal, and new gas would be operating, and that the
13 fuel sources to the right -- old gas, old oil, and peakers
14 will -- will not be operating.

15 Is that the way I understand that chart?

16 A. That's the assumption in that chart, yes.

17 Q. On an atypical day if you have, let's say it's a mild
18 winter day and we have lower than expected demand, you would
19 still pretty much be in the new gas column or perhaps leading
20 over to coal?

21 A. In most cases I think you would be in the new gas here in
22 Maine because it's 72 percent of all generation.

23 So you would really have to be down at about less
24 than 28 percent to impact any other areas.

25 Q. So on an atypical day your avoided emissions rate would be

1 unchanged.

2 A. It would be unchanged.

3 Q. On a lower than normal consumption day?

4 A. Yes.

5 Q. For an atypical day where you have increased consumption,
6 what happens? According to your bar chart, you would move to
7 old gas as the next most cost effective fuel, so just a
8 marginal increase above new gas you would start to displace old
9 gas?

10 A. That's correct.

11 Q. Old gas is dirtier or cleaner than new gas?

12 A. It's dirtier. The older turbines have higher permitted
13 emission rates, and they aren't as efficient, so the emissions
14 per megawatt hour produced is higher than for new gas.

15 Q. So on days when we have higher than average energy demand
16 and the wind is blowing, the Redington Wind Farm would displace
17 a higher amount than your 134,000 ton total figure?

18 A. That's correct.

19 Q. Can you just tell me, peakers, what categories of tower
20 are in peakers?

21 A. Peakers are basically a generator of gas or an oil or a
22 diesel-fired unit. It would be like a generator that you might
23 have in your home where if your lights go out and you turn on
24 your generator almost instantaneously, you have electricity.

25 And all over the grid -- not only here in Maine, but

1 throughout New England -- there are units that we refer to as
2 peaker units. They're not controlled. Basically a lot of them
3 are either diesel engine.

4 The only difference between that and what you put in
5 your is it will probably fill up your dining room or your
6 living room if you were going to put it there.

7 So they're much bigger, but they're basically units
8 that just come on, they provide electricity into the grid where
9 it's needed. They're strategically placed and they're the
10 highest types of sources that we have.

11 Q. In a day like the cold snap in 2003 when everything's
12 running, if we added Redington Wind Farm to that scenario, you
13 would be an able to back down the peakers first?

14 A. That's correct. You would back down the peakers first and
15 it would reduce the price as well as the pollution.

16 Q. Thank you. Yesterday we heard a lot of testimony that
17 this project would not displace these sort of fossil fuel
18 plants but in fact displace the neighboring plants, which are
19 the Stratton Biomass Plant and the two hydro plants at
20 Flagstaff if they all go to Flagstaff Lake.

21 Ignoring the question of line congestion just for a
22 moment, just looking at the market, under this -- using the
23 same chart here, why will the market never displace hydro?

24 Take that question first.

25 A. I think the answer to that is the market is required to

1 displace the most expensive unit that's on line, and that most
2 expensive that's on line is the gas plant.

3 It will displace the gas plant; it won't displace the
4 hydro, which is basically free.

5 Q. Same question relative to Stratton Biomass. They must buy
6 wood chips, so they have a higher operating cost than hydro?

7 A. They have a higher operating cost, and we're kind of
8 getting out of my area of expertise, but my understanding is
9 that a wood plant, once it's running, would prefer to stay
10 running because the costs associated with shutting it down are
11 very high.

12 So they would bid on a low price if they're running.
13 If they're not running, they wouldn't want to start up.

14 Q. Could they bid in lower than new gas, for example?

15 A. They definitely would. They would because they have to or
16 else the new gas would come on before they did. That's what
17 happens as I understand it.

18 Q. So your conclusion that the market will prefer a higher
19 cost fossil fuel power generation in almost scenario as opposed
20 to hydro or wood fired biomass?

21 A. Let me make sure I understand your question.

22 THE CHAIR: Would you restate that, please.

23 THE WITNESS: I wasn't sure I understood either.

24 BY MR. HINCHMAN:

25 Q. Your conclusion is the market would prefer to back down

1 the more expensive power sources, those being fossil fuel power
2 sources, rather than hydro or wood fired biomass?

3 A. That's my understanding of what happens, yes.

4 Q. And there's so much existing natural gas and other fossil
5 fuel, that the size of Redington Wind Farm is such that these
6 other renewable resources would not be affected with a
7 market-based approach?

8 A. That's my understanding, yes.

9 Q. Thank you. Quickly turning to line congestion.

10 EXAMINATION (of Steve Garwood)

11 BY MR. HINCHMAN:

12 Q. As I understand it, there are three places where line
13 congestion is a factor, the first being the conveyance of power
14 from the Bigelow substation to the Wyman substation, and in
15 reading the prefiled direct, I believe it's your testimony,
16 Mr. Garwood, the Applicants have elected to expand that line,
17 eliminating most congestion scenarios?

18 A. That's correct.

19 Q. Between Wyman and the rest of the CMP grid -- let me back
20 up for a minute.

21 On Bigelow and Wyman there's two competing facilities
22 there, there's right now just the Stratton Biomass, and if your
23 project were built, there would also be a wind project?

24 A. Correct.

25 Q. If you go from the point of connection Wyman to the rest

1 of the grid, your testimony says there's currently 350 kV lines
2 and the competition for that transmission at that point in the
3 grid would be the two hydro plants, one biomass plant, and then
4 if built, Redington Wind Farm?

5 A. Correct.

6 Q. And your conclusion is that those three 150-kV lines are
7 sufficient to carry most of, if not all of, the production of
8 all those plants that are operating simultaneously?

9 A. Correct.

10 Q. That brings us then to the question of the third point of
11 line congestion, which as I understand it would be between the
12 CMP part of the grid, which is Maine, and New Hampshire going
13 into southern New England?

14 A. That is another potential place, yes.

15 Q. If you Commissioners would turn to the chart a few pages
16 prior to the one you just looked at, which says, Maine is not
17 always the exporter of electricity.

18 In that chart I believe your testimony was that the
19 limitation on Maine's exported electricity in most years is the
20 bottleneck between Maine and the rest of the NEPOOL grid?

21 A. Correct.

22 Q. So just from a perspective of aborted missions of the
23 Redington Wind Farm, right now we're assuming the plant that
24 would be displaced would be a Maine natural gas plant; is that
25 correct?

1 A. That's correct, yes.

2 Q. Generally the Maine natural gas plants are newer, more
3 efficient natural gas plants?

4 A. That's right.

5 Q. If that bottleneck was removed to southern New England,
6 would the typical marginal plant change from a new natural gas
7 plant to something else?

8 A. The system study that was done in 2004 included not only
9 what would be the marginal unit in Maine, but it also included
10 what would be the marginal unit, that unit we would be
11 displacing for all of New England to the average of
12 New England, and the emissions from the marginal unit in
13 New England was higher than the emissions for the unit in
14 Maine.

15 So if you got rid of the congestion point so that
16 more power could get into southern New England, you would
17 actually avoid more emission. You would be displacing more
18 emissions by turning on Redington than you would if you just
19 had the congestion and you were ratcheting down a plant in
20 Maine.

21 Did that answer your question?

22 MR. HINCHMAN: Yes, thank you. That concludes my
23 questions at this time.

24 THE CHAIR: I don't want to intrude on the time of
25 our intervenors, but it just begs one question.

1 In reading the testimony, in your testimony, the
2 included PUC testimony, which suggested that Maine benefited
3 from the fact that it couldn't export all of its power because
4 we -- to the extent that we excess power, it drove the price
5 down because of lower costs; is that true?

6 MR. HANISCH: I'm not really the price expert in our
7 group, so I really shouldn't answer that question.

8 THE CHAIR: It was just a point of interest.

9 MR. GARWOOD: In general it's true that the
10 bottleneck at Maine may face has a -- have bottled generation
11 in Maine does depress the price of electricity in the state as
12 compared to what it would be if it leads to bottleneck.

13 THE CHAIR: Thank you. The next intervenor with 15
14 minutes is Natural Resources Council. Go ahead, Peter.

15 MR. DIDISHEIM: I would like to request Terry DeWan,
16 Randy Mann, and Harley Lee come forward.

17 I'll be starting with Terry.

18 EXAMINATION (Of Mr. DeWan)

19 BY MR. DIDISHEIM:

20 Q. My name is Peter Didisheim, I'm the executive director of
21 the Natural Resources Council of Maine.

22 Terry, just for clarification, in your testimony this
23 morning, you said -- and I wrote it down -- there will be no
24 impacts on scenic and recreational resources is what you said
25 in your verbal.

1 Your statement in the printed actually says, there
2 will be impacts on scenic and recreational resources.

3 A. I stand corrected. I was told after I made it, I should
4 have added that one word.

5 Q. So there will be impacts?

6 A. We all agree with that, yes.

7 Q. Were you involved in the selection of this project site?

8 A. I was not.

9 Q. In 1994 you were part of a consultant team that was in
10 support of the Kenetech project, and you testified in direct
11 testimony to the Commission on June 1st, 1994, "The
12 construction of that project was called News, should have no
13 visual impact on the view from the Appalachian Trail."

14 You went on to say that it was 16 miles from the AT
15 at the nearest point, and you commended the process that they
16 went through that used proximity to AT -- the Appalachian Trail
17 -- as a relevant screening criteria.

18 This project would be 1 mile away from the
19 Appalachian Trail.

20 Is proximity to the Appalachian Trail a relevant
21 screening criteria?

22 A. That raises a much bigger issue of whether or not the
23 State should actually have a scene criteria.

24 Q. You thought it was an important criteria then?

25 A. In looking at it back then --

1 Q. Okay.

2 A. It was back then.

3 Q. The turbines, then, at that time as we saw from the chart
4 from Vestas this morning, were substantially smaller; is that
5 correct?

6 A. That is correct.

7 Q. And they generally were low enough that didn't require FAA
8 lighting; is that correct?

9 A. I don't recall. That could be correct.

10 Q. So it was relevant then with smaller turbines that weren't
11 lit. The project we're looking at now has much larger
12 turbines.

13 Are those larger turbines more visible or less than
14 the turbines that were used in the early 1990s?

15 A. For the lost part they would be more visible.

16 Q. One of the photo simulations that you have used, and it's
17 frequently -- the second one down over here, looking over on
18 that far one, it's in the winter from the top of Sugarloaf ski
19 area.

20 A. Right.

21 Q. That's a 1993 photo and there are very substantial
22 clearcuts in the foreground.

23 Is it standard practice for photo simulations to use
24 13-year-old images that have quite a bit of clear cutting?

25 A. Ideally we should have more updated photographs.

1 Q. So potentially that's a misleading image?

2 A. Well, I think what it shows is evolution of the landscape.
3 The landscape gets cut, the landscape grows back.

4 It's part of the commercial --

5 Q. Even in the permitting process where the public is trying
6 to visualize what it would look like, would that be misleading?

7 A. We were given that photograph to do before we got involved
8 in the project.

9 Q. Is it true that there are some significant changes in the
10 micro siding of turbines that can effect people's sense of the
11 visual impact? You move a turbine here, and you move a road
12 elsewhere, and that there's value to that?

13 A. Yes, there is.

14 Q. What would be the benefit of removing all of the turbines
15 if the project was reconfigured benefitting -- what would the
16 visual impact be of removing the turbines that are currently
17 proposed for Redington?

18 A. That's one of those "what if" questions.

19 Q. Let me refer you to this image right here, the one all the
20 way to the right, which is a view from Sugarloaf Cirque?

21 A. That's correct.

22 Q. You can only see the 12 turbines on Redington and none of
23 the turbines on Black Nubble?

24 A. That's correct.

25 Q. Would it there be a significant benefit in terms of

1 reducing initial impact from removing those turbines?

2 A. In that particular viewpoint.

3 Q. How about the one next to it, where you can see all 12
4 turbines on Redington and only five or Black Nubble? Would
5 there be a significant benefit in terms of visual impact?

6 A. By losing those views, the turbines in the foreground, the
7 immediate mid ground, yes.

8 Q. Last week Randy Mann said, let me quote, "The
9 Black Nubble-only option would have almost the same visual and
10 environmental impact associated with the full project."

11 What you just said, I would say you're contradicting
12 that, at least for some views. There's a significant reduction
13 in visual impact if you eliminated the turbines on the top of
14 Redington; is that correct?

15 A. In some places you would still --

16 Q. You would still see it, but there would be a reduction to
17 impact?

18 A. That's correct.

19 Q. If you did not do the construction -- the roads, the
20 transmission lines, setting the turbines in there -- wouldn't
21 there be a reduction in environmental impact on the top of
22 Redington if you eliminated those turbines?

23 I think the answer would be of course because there's
24 nothing there, there's no impact now --

25 A. There's nothing there right now.

1 Q. Right. So again, that would contradict the statement
2 they're virtually the same environmental impacts if you wanted
3 the Black Nubble-only option?

4 A. I'm not an environmental scientist. I can't address the
5 environmental issues.

6 Q. But you're landscape design architect and you're quite
7 experienced in that.

8 MR. DIDISHEIM: I would like to now a few questions
9 of Harley.

10 EXAMINATION

11 (Of Mr. Harley Lee)

12 BY MR. DIDISHEIM:

13 Q. Harley, in 1998 you announced that Endless Energy would be
14 pursuing a 20 megawatt wind farm on Redington; is that correct?

15 A. I don't recall.

16 Q. I will submit for the record there were multiple
17 announcements.

18 In a January 17th, 2002 prehearing conference with
19 LURC, you announced you would be pursuing a 50 megawatt project
20 involving 15 turbines on Redington and 14 towers on
21 Black Nubble; is that correct?

22 A. That sounds right. That was with the V80s, maybe?

23 Q. The record of LURC will show a prehearing, yes.

24 So at both of times, you were very supportive of
25 projects that are smaller than what we're proposing, the

1 Black Nubble project, which would be 54 megawatts; correct?

2 A. What we did --

3 Q. That's just a yes or no. You supported smaller projects
4 and announced that you would be pursuing smaller projects?

5 A. We were pursuing projects based on the technology
6 available at that time and what our cost estimates were at that
7 time.

8 Q. During the 1990s you attempted to purchase the assets of
9 the Kenetech project, including the permit and the land rights;
10 is that correct?

11 A. I think the permits may have expired at the time. There
12 was a lease at that time, yes.

13 Q. So you concluded that the Kenetech site was attractive?

14 A. At that time the Redington site was not available to us.
15 The landowner didn't want to sell it, and the Kenetech site had
16 been permitted and was available for less than 1 cent on the
17 dollar, so it looked like an interesting business opportunity.

18 Q. Would you say that one of the benefits of that site was
19 that it was 16 miles away from the Appalachian Trail and would
20 not invite significant concerns about visual impacts from AT
21 organizations?

22 A. That was one of the benefits, yes.

23 Q. That was one of the benefits?

24 A. Yes.

25 Q. Has the increase in turbine since the early 1990s when you

1 selected the Redington site for exploration enabled wind farms
2 to succeed at lower wind power regimes?

3 A. Yes and no. Turbine costs have gone down for many years
4 and the turbine sizes have gone up and which has generally
5 allowed you to go to lower elevations.

6 But unfortunately the last few years that trend has
7 reversed, so it's actually headed in the other direction.
8 Turbine costs have gone up and concrete, construction, so much
9 that it's actually reversed that trend significantly.

10 Q. But there are projects that are in lower elevations, lower
11 wind regimes, than there was in 1992 or 1993?

12 A. I don't understand the question.

13 Q. I'll move on.

14 One of the charts presented this morning by Randy
15 Mann makes a statement that two-thirds of modern wind farms are
16 bigger than the Black Nubble-only scenario.

17 How big is the Searsburg project?

18 A. The Searsburg project, which was built I think in 1997 or
19 1996, is composed of eleven 550 kilowatt machines for a total
20 of 6 megawatts.

21 Q. How big is the project, in capacity, that you're pursuing
22 at Little Equinox?

23 A. 9 to 15 megawatts.

24 Q. How large was the East Haven project that was rejected two
25 weeks ago?

1 A. That proposed project was using four 1.5 megawatt
2 machines.

3 Q. So it was a total of 6?

4 A. 6 megawatts, yes.

5 Q. How big was the proposed Lee Mountain Project, also
6 withdrawn by developers?

7 A. I think it was on the order of 50 megawatts.

8 Q. It was less than that, 40 or less.

9 Can you identify a single project in New England that
10 is bigger than 54 megawatts that is currently operating that's
11 been permitted?

12 A. There's only 10 megawatts in total. There's the Searsburg
13 Project, there's the Hull turbine, there's Hull 2 -- or H-2 as
14 we affectionately call it -- which is about 1.8 megawatt; and
15 there's the Princeton Farm, which is eight 40-kilowatt
16 machines.

17 But there's only 9 or 10 megawatts operating all over
18 New England.

19 Q. So would you say that it's potentially misleading to say
20 that two-thirds of modern wind projects are bigger than a
21 Black Nubble-only scenario by lumping in all of the projects
22 that occur on farm land, range land, flat land, where there's
23 no site concerns? Is it misleading to say that two-thirds --

24 A. I don't think it's misleading. The facts are the facts.

25 Q. And the facts also show that in New England those sort of

1 projects of that scale have not been permitted; right?

2 A. Yeah, there's only three wind projects operating all over
3 New England as I mentioned.

4 MR. DIDISHEIM: I would like to now ask some
5 questions of Randy Mann.

6 EXAMINATION

7 (Of Mr. Mann)

8 BY MR. DIDISHEIM:

9 Q. In your prefiled testimony you state that Edison's
10 investments included ten wind farm projects accounting for 500
11 megawatts.

12 Are any of those near a national park?

13 A. No.

14 Q. Are any of them in mountains?

15 A. No.

16 Q. Are any of -- have you needed to get rezoning for any of
17 those projects because the land was in a protected mountain
18 zone or protected zone because of scenic or natural resource
19 values?

20 A. Projects generally require permits but permits are
21 different in every environment.

22 Q. All of those 10 wind farms that you've had experience
23 with, is it accurate to say that they are farm land or flat
24 land? Minnesota, Iowa, New Mexico, Texas.

25 A. The topography differs in each area. The New Mexico

1 project is more like ranch land.

2 Q. But it's all relatively flat?

3 A. San Juan Mesa is an elevated mesa. It has undulation
4 quite significant. Loredo is flat but has a cliff face.

5 So, no, it's not pure farm land.

6 Q. Would you say that any of those projects have anything
7 like the sort of scenic values that are in the mountains right
8 behind us?

9 A. I think it's a different location with different scenic
10 values.

11 Q. Were people showing up to express deep concerns about the
12 impacts on the landscape of those projects?

13 A. People in those locations have generally supported the
14 development and construction of wind projects.

15 Q. Of the ten projects that Edison's been involved with,
16 which ones did Edison Mission Energy participate in the site
17 selection process? Or did you finance --

18 A. Finance, primarily.

19 Our typical model has been to come in similar to the
20 arrangement here where the site selection has been done, and
21 then we help to finish the project.

22 Q. So you were not involved in any of the site selection
23 process for this project, were you?

24 A. No.

25 Q. As it was pointed out, your application said that this

1 project is not near a national park.

2 Were you aware that this project site was near a
3 component of the National Park Service?

4 A. I knew that it was near the Appalachian Trail.

5 Q. Do you believe that proximity to a national park known for
6 its scenic resources should be a relevant criteria for
7 selecting a site?

8 A. I think that really our visual experts have addressed that
9 question adequately.

10 Q. When did Maine Mountain Power sign its contract with
11 Constellation Energy?

12 A. It was in the first or second quarter of 2006, either
13 March/April, that time frame.

14 Q. March or April of this year?

15 A. Approximately.

16 Q. I would like to point you to this site all the way on the
17 right.

18 Do you believe that there would be essentially the
19 same visual and environmental impacts whether or not those
20 turbines were built?

21 A. Again, I'm not a visual or environmental specialist. My
22 visual specialist has answered the questions.

23 Q. I'm asking for your opinion. You said that --

24 A. If the turbine was not there, you would not see it.

25 Q. Those 12 turbines, if they weren't there and the

1 construction that occurred didn't happen, there actually would
2 be a significant reduction in visual and environmental impacts?

3 A. From this particular viewpoint, if you couldn't see the
4 turbine, then you couldn't see the turbine. I agree.

5 Q. That does contradict what you said last week, that there
6 would be virtually the same visual and environmental impact of
7 a Black Nubble-only project versus the full project?

8 A. I think that my statement was referring to the project as
9 a whole, from the entire 15-mile radius, not from one
10 particular viewpoint.

11 Q. So in aggregate, elimination of the 12 turbines on
12 Redington, you believe has essentially no impact, no reduction,
13 no significant reduction in the visual or environmental
14 impacts, the project as a whole?

15 A. It reduces the number of turbines and those turbines --

16 Q. And the impact associated --

17 A. -- each are visible from certain places.

18 Q. Right. I would say that is a contradiction of what you
19 said last week?

20 A. I think I clarified my statement.

21 MR. DIDISHEIM: That's all the questions I have.

22 THE CHAIR: Thank you, Pete.

23 The next intervenor is IEPM, et al.

24 MR. HOLT: I'll ask Mr. Garwood to come to the table
25 and I'll introduce myself.

EXAMINATION

(Of Mr. Garwood)

BY MR. HOLT:

Q. My name is Ed Holt. I'm a private independent consultant here in Maine, and I'm one of a group that was formed by the Commission to consolidate Maine Interfaith Power and Lights, Maine Energy Investment Corporation, and Independent Energy Producers of Maine.

My questions for you, Mr. Garwood, relate to the larger operation of ISO New England and the regional electrical grid and goes to the question of in part the need for power.

First, would you explain what a control area is?

A. A control area is an area of the grid that is operated under a single entity with the authority to issue dispatch orders to that area.

Q. How does the -- in the system integration study there was reference to western and central Maine subregions. How does a subregion relate to the overall regional grid in operational terms, and does ISO New England operate those subregions as separate control areas or do they operate the entire NEPOOL area as one control area?

A. They operate the entire region as one control area to the extent the area you're speaking to is part of a utility system where that utility is a member of what's now referred to as the Regional Transmission Organization of New England under the

1 authority of ISO New England.

2 Q. And similarly, is Maine operated as an electrical system
3 separate -- is New England operated as a single unit?

4 A. I'm sorry, repeat that question.

5 Q. Similarly to my previous question, is Maine operating as
6 an electrical system separate from the rest of New England, or
7 does ISO New England operate the electric grid in Maine as part
8 of an overall regional grid?

9 A. The systems owned by Bangor Hydroelectric Company and
10 Central Maine Power Company are operated under the direction of
11 ISO New England because both of those utilities are members of
12 that region.

13 Q. Now, you included in your testimony data about how many
14 generation is varied with respect to its own use in state.

15 I guess my question here is, does each state have a
16 responsibility to generate an amount equal to its own use of
17 electricity, or is there a legal responsibility? Or is the
18 response determined primarily by market forces? Or is there
19 some other basis to make decisions to build or not build
20 generation?

21 A. Today that's decided principally on market forces because
22 of the restructuring that has occurred throughout New England
23 and most notably here in Maine as well.

24 Q. So then finally, with the introduction of electric
25 industry restructuring and introducing greater wholesale

1 competition than we did in 1997, what effect would that have on
2 the perspective of electric industry participants?

3 Would they tend to be more likely to have a regional
4 perspective on whether there's a need for power, or would it be
5 more a state-only perspective?

6 A. I'm not sure you distinguished -- I'm not sure I can
7 distinguish the two in every instance of every entity owning
8 generation.

9 For instance, we heard Bruce McLeish speak this
10 morning to how part of his marketing plan is tailored to
11 specifically marketing power of, generations such as Redington,
12 to customers here in Maine.

13 Likewise, I'm sure that part of the business plan of
14 other markets and suppliers would be a more reasonable
15 perspective.

16 So it's a mixed bag.

17 MR. HOLT: Thank you. That's all I questions I have.
18 I'll give my time back to the Commission.

19 (There was a break in the hearing at 2:39 p.m. and
20 the hearing resumed at 2:47 p.m.)

21 THE CHAIR: We're going to start. This will be
22 TransCanada cross. Do you have the folks here you need?

23 MS. BROWN: Julia Brown on behalf of TransCanada.

24 Just a preliminary housekeeping matter, Mr. Chairman,
25 for the record I would like to renew our objection to the

1 relevance of transmission capacity issues to the criteria at
2 issue here.

3 When I say transmission capacity, I'm talking about
4 both the presence or absence of what we refer to as
5 transmission congestion.

6 We previously filed a request for an evidentiary
7 ruling on that and I respect the presiding officer's decision,
8 but just want to have that objection on the record going
9 forward.

10 Our participation -- our prefiled testimony all
11 relates to transmission issues, and I just want to be clear
12 that our cross-examination, which is also focused on
13 transmission-related issues, is not intended to waive that
14 general objection.

15

16

EXAMINATION

17

(Of Mr. Mann)

18

BY MS. BROWN:

19

Q. With that, my first series of questions are directed to

20

you, Randy. It relates to Page 9 of your prefiled testimony,

21

you refer to a report or an analysis done by a Ron -- I'm going

22

to mispronounce his last name -- Nirenberg; is that correct?

23

A. Yes.

24

Q. What was he asked to do?

25

A. He was asked to look at the wind data from the project

1 from the various towers on the project site and provide an
2 estimate of output.

3 Q. Did he prepare a report?

4 A. Yes.

5 Q. What was the date of his report or analysis?

6 A. He's provided numerous reports over many years for Endless
7 Energy.

8 Q. What are the approximate dates of those reports?

9 A. Again, many analyses, some in 2006, some in earlier years.

10 Q. So some as recent as 2006?

11 A. Yes.

12 Q. And what was -- the purpose of his analysis was to
13 determine the anticipated output of this project; correct?

14 A. Correct.

15 Q. And there's been a couple of references to either 260,000
16 kilowatt hours per year or 265,000.

17 Which is his latest and greatest estimate?

18 A. 260,000. We have continued to work on this project over
19 the last six months and had occasion to refine numbers since
20 our preliminary application was filed about six months ago.

21 Q. I assume -- the only reference to his work, there's a
22 footnote in the application referencing his conclusion, and
23 there's the paragraph of Page 9 of your prefiled testimony.

24 Is that the basis for your conclusion as to the
25 projected output of the project as the work that he's done?

1 A. Yes.

2 Q. Is there anything else you're relying on with respect to
3 that conclusion?

4 A. We have also had Vestas look at the wind data in their
5 capacity of determining site suitability for wind turbines, and
6 while we are not relying on Vestas for our wind data forecast,
7 they have looked at the climate data and concluded that they
8 also believe our numbers are reasonable in the 260- range.

9 Q. Who at Vestas did that work?

10 MR. BULOW: That would be Michael [inaudible] at
11 Vestas.

12 MS. BROWN: We'll come back to that in a minute but I
13 want to follow up.

14 BY MS. BROWN:

15 Q. Anything else other than the analysis done by Ron
16 Nirenberg and the Vestas work that supports that you're relying
17 on for your output numbers?

18 A. Yes.

19 Q. Are you willing to provide a copy of the report that
20 Mr. Nirenberg prepared to the Commission?

21 MR. THALER: Excuse me, Mr. Chairman, as Ms. Brown
22 knows, we previously objected to that because it's proprietary
23 and also not relevant; and so we had previously done that.

24 So that was the basis. I'm just speaking as a lawyer
25 since I was the one who filed that objection.

1 MS. BROWN: If I could just respond to that,
2 Mr. Chair, I don't think there was a formal response in the
3 record on not producing that. I have heard indirectly that's
4 the case.

5 But certainly with respect to relevance it's hard for
6 me to understand how the information that forms the basis for
7 the output of this project and the output of the project has
8 been the basis for testimony we've heard all morning, how that
9 could possibly be considered not relevant to the issues before
10 the Commission.

11 MR. THALER: The objection was TransCanada did not
12 make a request for it. Had it done so, we would have not
13 provided it because it's clearly a business competitor, but it
14 was a request made by I think Bill Plouffe, to which I
15 objected.

16 We sent a document request that we responded mostly
17 to, and secondly, in terms of relevance to the proceeding, LURC
18 rules talks about information that a reasonable person would
19 rely upon.

20 You can certainly question Mr. Mann and his business
21 as to the type of information that they in their experience
22 rely upon and make decisions, investment decisions, on and
23 ultimately it's a little different than if somebody is seeking
24 to build a house or a subdivision or something else.

25 The Commission and its criteria goals generally don't

1 go into the question of whether something's going to be 20
2 units versus 10 units or 12 units.

3 MR. PIDOT: I think, Julia, the answer to your
4 question is no.

5 MS. BROWN: Does that count towards my 15 minutes?

6 MR. PIDOT: All of this is outside of your 15
7 minutes.

8 I would add that the relevance of the wind data to
9 this Commission making this decision is highly personable and
10 there's certainly a reasonable case that Jeff Thaler has made
11 for that data to be proprietary.

12 I would expect you to say the same thing about
13 TransCanada's wind data. Maybe you are more generous than
14 Mr. Thaler.

15 MS. BROWN: Let me respond. There are two issues:
16 There's one, the raw wind data, which is arguably not necessary
17 here, but to the extent that the person with expertise has
18 reviewed that data and reached their conclusion and that person
19 is not here as a witness to testify, his reports have not been
20 provided, I think it is a problem because there's no way for
21 anybody to evaluate the validity of the core piece of
22 information here, which is what is the expect output of the
23 project.

24 We fully expect to provide a similar report by a
25 similar independent expert, which is one of the reasons we're

1 just a little bit puzzled on the reluctance, quite frankly, to
2 provide either to make the witness available to provide the
3 analysis of the raw data.

4 I would agree, I don't think the raw data is the key,
5 but you need to have either the raw data or the report of an
6 independent expert for the witness who's prepared to testify
7 and be cross-examined.

8 MR. PIDOT: I think we stand packed with this one.
9 The answer to your question is no, they're not willing to
10 provide information.

11 And whether the Commission ultimately finds that to
12 be an impediment to its decision making will be decided later.

13 Thank you for your comment.

14 BY MS. BROWN:

15 Q. Mr. Mann, do you know, is the analysis that Vestas
16 conducted specific to the turbine model proposed here?

17 A. There's been analyses conducted, as I said, over many,
18 many years, and the initial analysis would have dated back to
19 before the V90 was the turbine of choice, so we have looked at
20 many years of wind data. We described that in my testimony.

21 Now the information and the assessment is based on
22 the V90 and the currently layout of the projects as you've seen
23 proposed.

24 Q. How many days of loss of operation does the analysis
25 reflect due to cold temperature?

1 A. I don't know the answer to that.

2 MS. BROWN: Let me just ask you a question. Probably
3 this is to Mr. Bulow.

4 EXAMINATION

5 (Of Mr. Bulow)

6 BY MS. BROWN:

7 Q. What is the temperature rating for the turbines proposed
8 here?

9 A. They would be down to -80 degrees Celsius.

10 Q. Help me out.

11 A. Roughly about the same. I can't calculate on the top of
12 my head.

13 Q. Is it fair to say that there are a significant number of
14 days in this region where the turbines -- well, let me back up.

15 If the temperature falls below the temperature rating
16 for the turbine, the turbine stops operating; correct?

17 A. That's correct.

18 Q. So there will be a certain number of days, particularly in
19 this region, where the turbines are expected not to operate due
20 to cold temperature; correct?

21 A. Again, if the condition is so that it drops below that
22 temperature, then the turbine will stop if that condition that
23 you have, you have wind.

24 Q. Have you done -- can you answer the question of the
25 analysis of the output of this project how many days --

1 A. That is proprietary information between our customer and
2 us that I don't want to disclose here.

3 MR. MANN: I will just say that our analysis is
4 considered, as any normal windmill would, those types of
5 factors in coming up with our conclusion.

6 EXAMINATION

7 (Of Mr. Mann)

8 BY MS. BROWN:

9 Q. We'll just have to take your word for that; correct?

10 A. I've testified.

11 Q. There's no actual data that anybody here can provide so
12 that we can look at that; right?

13 A. We've discussed the issue providing you with proprietary
14 data.

15 Q. Okay, we'll move on.

16 Did the analysis reflect the spacing between the
17 turbines and the specific turbine layout that's proposed here?

18 A. Yes.

19 Q. What are the assumptions about how many turbines can
20 operate at the same time and given wind conditions due to
21 sheering and proximity of turbines to one another?

22 A. I'm going to turn that one over to Vestas because again,
23 they've done some site suitability analyses for us with respect
24 to layout.

25 MR. BULOW: We do not believe there's going to be

1 universal constraints due to any [inaudible] as we described
2 it.

3 EXAMINATION

4 (Of Mr. Bulow)

5 BY MS. BROWN:

6 Q. Is the package, the Vestas turbines that you're selling,
7 is that an arctic package that currently certified?

8 A. That one is in the certified process right now.

9 Q. So it's not currently certified?

10 A. No, but --

11 Q. Thank you.

12 A. Down to -20 degrees is fully certified. It's not Vestas
13 seen as any problem in reaching it.

14 Q. I hate to cut you off except that I've got somebody
15 flashing a sign at me on how much time I have.

16 So it's not currently certified? It's currently
17 certified to -20 degrees; correct?

18 A. That is correct.

19 Q. Thank you.

20 A. At the time of installation I'm expected it to be
21 certified.

22 MS. BROWN: We're going to move on.

23 Mr. Garwood, I have a few questions for you.

24 EXAMINATION

25 (Of Mr. Garwood)

1 BY MS. BROWN:

2 Q. I appreciate your prefiled testimony, which is very clear
3 on issues that are not necessarily easily accessible to the lay
4 persons among us.

5 I was a little bit puzzled on the discussion about
6 the significance of the position in the queue, the so-called
7 ISO queue.

8 There were a number of references to the significance
9 of the position in the queue, and I just want to make sure that
10 we're clear here that the generator's position in the queue in
11 ISO doesn't have any bearing on the generator's right to
12 transmission capacity; correct?

13 A. That's correct, the queue position --

14 Q. Go ahead.

15 A. I'll stop.

16 Q. What is the relevance of the queue position?

17 A. It determines the order in which the proposed generator
18 connection will be evaluated by the interconnecting utility and
19 the ISO, as well as cost responsibility for upgrades that may
20 be determined based on the transmission upgrades that are
21 identified during the study in order for the proposed unit to
22 satisfy the interconnection standards.

23 Q. And those are all upgrades that related to the reliability
24 and stability of the transmission system; correct?

25 A. Correct.

1 Q. And I think that you have delineated those in your
2 testimony and they are approximately in the order of
3 \$3 million; correct?

4 A. Approximately \$3.2 million has been identified as cautious
5 liability.

6 Q. So that's, you know, more or less than 3 percent of the
7 profit costs; correct?

8 A. I believe that's correct.

9 Q. If it you lose your place in a queue, those minimum
10 interconnection costs could go up or they could go down;
11 correct?

12 A. Correct.

13 Q. So the position in the queue is really most critical
14 probably to the schedule; correct?

15 A. Schedule and cost.

16 MS. BROWN: Mr. Chairman, could I, with the
17 Commission's permission, have another just three minutes, which
18 I think will go over my 15 because of the back and forth on the
19 evidentiary issue?

20 THE CHAIR: Jeff said you could have his three
21 minutes back.

22 MS. BROWN: Thank you, Mr. Pidot.

23 BY MS. BROWN:

24 Q. I just also want to be clear that in the ISO review
25 process, ISO doesn't require a generator to resolve

1 transmission congestion issues; correct?

2 A. That's correct.

3 Q. Instead, transmission congestion issues are resolved
4 through market mechanisms; correct?

5 A. That is correct.

6 Q. If there is congestion -- and I understand your testimony
7 is that you don't believe that there will be congestion -- but
8 if there is congestion, then essentially multiple generators
9 are competing for limited transmission capacity; correct?

10 A. That's correct.

11 Q. And I believe your testimony is also that in those
12 circumstances your expectation is that the entities that will
13 benefit from an expansion of transmission capacity -- or an
14 increase in transmission capacity -- would participate in a
15 resolution of the transmission congestion issues?

16 MR. THALER: Excuse me, Mr. Chairman, I think we're
17 now getting into the area that you had had as a ruling as to
18 what might happen in the future, speculative of generators that
19 could come on.

20 MS. BROWN: Could I respond, Mr. Chairman?

21 Much of his testimony, and some of the other
22 witnesses' testimony, relates to their prediction about what
23 will happen in the future on the grid, including whether there
24 will be congestion, including the testimony of this witness.

25 So I'm not asking him about a specific future project

1 to evaluate what a future project is going to have; but I think
2 if we're going to talk about congestion, it's just important to
3 understand the general rules of the road and what happens when
4 there is congestion and what happens when there isn't.

5 MR. PIDOT: It seems to me, Julia, you have about 90
6 seconds left and you understand the limits.

7 MS. BROWN: I sure do?

8 BY MS. BROWN:

9 Q. So can you answer the question?

10 A. I'd like you to repeat it.

11 Q. Absolutely. If there's congestion and the multiple
12 generators are essentially competing for electrical
13 transmission capacity; correct?

14 A. Correct.

15 Q. Your testimony earlier about expected output of the
16 project and then also including the pollution benefits that
17 result from this project assume no congestion in the future;
18 correct?

19 A. I don't believe congestion -- my analysis for the
20 potential for congestion had any merit to or relevance to my
21 estimation of emission reductions.

22 Q. You're assuming all of the power gets out; correct?

23 A. Of Redington.

24 Q. Correct.

25 A. Correct.

1 MS. BROWN: I have nothing further. Thank you.

2 THE CHAIR: Very good. Next group of questioners is
3 the Friends of Western Maine -- I'm sorry, Friends of the
4 Western Mountains.

5 Are you going to be the questioner?

6 MR. TRAFTON: I am.

7 THE CHAIR: Okay, thank you, Dain.

8 MR. TRAFTON: I'm Dain Trafton representing Friends
9 of the Western Mountains.

10 THE CHAIR: Speak into the microphone, please.

11 I'd like to have Randy Mann, I'd like to have Ron
12 Muse come up, and Alison Hagerstrom.

13 Alison, I'm going to start with you. We've never met
14 and I admire the goals of your work, which creates economic
15 activity and jobs in this area.

16 EXAMINATION

17 (Of Ms. Hagerstrom)

18 BY MR. TRAFTON:

19 Q. You say in your testimony that you're not aware of any
20 study or report indicating that wind plants adversely affect
21 tourism. You repeated that this morning, so I assume that's
22 correct; is that right?

23 A. That's correct.

24 Q. Well, I want to let you know about one and a rather
25 important one and rather well done.

1 It's called, Blowing in the Wind: Offshore Wind and
2 the Cape Cod Economy. It's an academic study. It was done at
3 the Beacon Hill Institute, which is part of Suffolk University
4 in Boston, and the lead author is a man named Jonathan
5 Haughton, who has a Ph.D. from Harvard and is on the economics
6 faculty there.

7 MR. PIDOT: Is this a question?

8 MR. TRAFTON: Yes, there is a question coming.

9 MR. PIDOT: You will have an opportunity, I think,
10 tomorrow to say what you want about that.

11 BY MR. TRAFTON:

12 Q. I take it this is when you said you're not aware of any
13 studies, you're not aware of this study; is that right?

14 A. I am not.

15 Q. You're not.

16 Now, let me ask you this: I'm curious to know how
17 serious any economic impact study that you or anyone else that
18 you're aware of has carried out in connection with the
19 Redington project.

20 I think this morning you said that basically you
21 hadn't carried any such study out, and you weren't aware that
22 anybody else had; is that right?

23 A. That's right.

24 Q. Okay. This study, which I just referred to, estimates
25 that there would be in a six-area -- a six-town area close to

1 where the Nantucket Sound Wind Project be installed would lead
2 to rather large losses in tourists spending and in real estate
3 values and general economic decline.

4 Do you think there's some similarity in terms of its
5 dependence on scenic, recreational tourism between the Cape Cod
6 area and this area, just in that particular way?

7 A. There is scenic beauty in both places.

8 Q. In both places. And people come here for that reason?

9 A. Yes.

10 Q. I take it that you have read the study of -- the economic
11 study of the wind farm in Oregon, which was part of the
12 application; is that correct?

13 A. I did review that.

14 Q. You did review that. Would you say that that area in
15 Oregon was very comparable in its geography, economy, and so
16 on, to this area?

17 A. Referring to that, it's farm lands versus mountains.

18 I think that farm lands in the midwest and in the
19 west have some scenic value to the portion of the country.
20 It's part of the American landscape as well.

21 Q. That's true. But there was nothing at all in that study
22 of Oregon which referred to tourism as being an important part
23 of the economy. They grow winter wheat there, am I correct?

24 A. That's correct.

25 Q. So it might have been, would you agree, that it might have

1 been more useful to have a close look at this academic study
2 done in connection with the potential wind farm down in
3 Cape Cod -- it might have been more useful to look at that than
4 at a study of a rural, sparsely populated rural farming
5 community in Oregon.

6 Would you agree?

7 A. Yes, but I did look at some other studies.

8 Q. But none which showed a negative impact?

9 A. That's right.

10 MR. TRAFTON: Thank you.

11 EXAMINATION

12 (Of Mr. Muse)

13 BY MR. TRAFTON:

14 Q. Mr. Muse, on Page 5 of your testimony you describe a
15 typical operation and maintenance at wind plants as including
16 routine biannual mechanical and electrical inspections of
17 turbines and foundations, periodic inspection of various
18 things, but you mention only one daily task which is daily
19 inspection of the turbines.

20 Then you go on to tell us that it's normal for Edison
21 Mission Operation, which is the branch of Edison that you work
22 for, to employ a single two-man -- two-person crew for each 30
23 to 40 turbines; is that correct?

24 A. That's correct.

25 Q. Are you familiar with the testimony of Mr. Mann, Mr. Lee,

1 and others which states that the project will create about ten
2 well paying management and operation jobs in this region?

3 A. Yes, I am.

4 Q. From your testimony I see two jobs that look like
5 permanent, full-time jobs that might go to local people.

6 Do you intend to locate a manager for these two jobs
7 in, say, Stratton and Coplin Plantation in this area, the
8 person who manages that two-man crew be located up here?

9 A. Well, Vestas, the turbine manufacturer, would be supplying
10 the operation and maintenance personnel for the turbines for
11 the first five years, and they stated that they would hire
12 approximately eight people.

13 Edison Mission Operation and Maintenance would hire
14 two people: A site manager and technician, who would handle
15 non turbine maintenance.

16 Q. So Vestas is committed to hiring many more, and then you
17 judge it necessary to deal with 30 to 40 turbines?

18 A. That's what they've stated.

19 In my testimony I said typically, it's typical.

20 Q. Can you guess at what might be atypical about the
21 situation here that would require this larger staffing?

22 A. I think the -- probably the turbines may have something to
23 do with that. I'm not familiar with the V90 and Vestas
24 obviously is the expert on that.

25 MR. TRAFTON: Morten Bulow, could I summons him.

1 EXAMINATION

2 (Of Mr. Bulow)

3 BY MR. TRAFTON:

4 Q. Can you tell us, Morten, is Vestas committed, that is,
5 really determined to hire five to ten local people, have them
6 situated full time in this area during the time warranty?

7 A. With the first turbine, the V-90s set up, you need to have
8 a 100 megawatt wind, a 90 megawatt wind farm; and a wind farm
9 that size requires that eight people. As you said, 60 men,
10 three crew that will be working on many issues, making sure
11 that turbine simply performs optimal, including the service and
12 the things that run.

13 And then we'll have a site supervisor, manager, and
14 also an office and coordinator, so that makes our eight.

15 And as I stated in my earlier testimony, we have done
16 this on right now 38 other locations throughout U.S.

17 We do come in and set up, yes.

18 Q. Thank you. Why do you need six when two will suffice?

19 A. No, no. If you see after the five-year period, Ron is
20 planning on taking these in Operation and Maintenance and turns
21 over to Edison.

22 Q. So after the five-year period, the permanent number of
23 full-time jobs may well decline?

24 A. I don't believe so because Edison is going to do the job
25 that Vestas did before, and they need hands to do that as well.

1 EXAMINATION

2 (Of Mr. Muse)

3 BY MR. TRAFTON:

4 Q. Mr. Muse's testimony indicates that Edison gets along with
5 two-man, two-man crew -- what would the reason be that you
6 would want more than a two-man crew in this case?

7 A. I think it's because of the size and the type of the
8 machine.

9 MR. TRAFTON: Thank you.

10 Mr. Mann, I would like to question you.

11 EXAMINATION

12 (Of Mr. Mann)

13 BY MR. TRAFTON:

14 Q. Last night during public testimony we heard a number of
15 people say that there's a desperate need for the plant that you
16 propose to build because of the threat of global warming.

17 What these people seem to expect from your plant will
18 produce a significant reduction in emissions, CO₂, from fossil
19 fuel fired plants.

20 But your own claims about emissions seem to be
21 changing and diminishing. In your application filed about six
22 months ago, you stated the plant will reduce emissions by
23 860,000 pounds daily; is that correct?

24 A. I think that if you want to talk about emission
25 reductions, you need to talk to Mr. Hanisch, who is the expert

1 on emission reductions.

2 Q. All right. Well, you have a statement in your testimony
3 which says that you expect the plant to lead to a voided
4 emissions of 732,000 pounds per day; is that correct?

5 A. Yes.

6 Q. So you -- I say your team -- has come down by 128,000
7 pounds per day, that's 50 percent reduction?

8 A. Again, if you would like that analysis, you need to talk
9 to Mr. Hanisch. I know that he can explain to you as we have
10 continued to work on this project over the past six months --
11 from preliminary application until today -- we have collected
12 new data, including new data from the ISO and therefore have
13 the most up-to-date numbers we use today.

14 Q. What is the new data from the ISO?

15 A. You'll have to ask Mr. Hanisch.

16 MR. TRAFTON: Mr. Hanisch, would you answer that,
17 please.

18 MR. HANISCH: I would be happy to try.

19 The new data -- the original application used 2003
20 report from the New England system operator, and when they came
21 out with the 2004 report, which became available to us just
22 before prefiled, we looked at that data.

23 That data for the first time had the Maine marginal
24 unit information in it, which wasn't available before, and we
25 felt that since we thought pollution avoided would be from a

1 Maine plant -- at least now with this system rather than the
2 New England plant -- we used the Maine figures.

3 That along with the reduced output is how it came
4 down.

5 BY MR. TRAFTON:

6 Q. So the Maine figures are significantly lower than the
7 New England figures?

8 A. I wouldn't say significantly but they're low, and we felt
9 it was appropriate to give a lower number rather than a higher
10 number. In fact, we thought the lower number was the right
11 number.

12 Q. And these are based on average emission figures; is that
13 right? The average emission figures in Maine are lower?

14 A. As we discussed, it's based on the average day rather than
15 some other day. It isn't inflated, that's correct.

16 Q. You have not done a specific modelling of the way in which
17 the Redington plant might in fact act in connection with the
18 system grid in Maine? You haven't actually tried to show
19 day-by-day, hour-by-hour, which plants are likely to be backed
20 down?

21 A. No, that's --

22 Q. Yes, it can be difficult but it can be done.

23 One last question -- well, another question.

24 THE CHAIR: You have one minute. Use it wisely.

25 MR. TRAFTON: This is to Mr. Mann.

1 EXAMINATION

2 (Of Mr. Mann)

3 BY MR. TRAFTON:

4 Q. In your testimony you state that production tax credits
5 are very important to make this project attractive to you
6 financially.

7 Now, the purpose of production tax credits is to
8 shelter the profits from taxes. Edison is a very profitable
9 company. I believe that in 2005 your profits were over a
10 billion; is that correct?

11 A. It sounds approximately right.

12 Q. It is right. What are the largest types of generation in
13 the Edison portfolio? Which of the ones are the biggest?

14 A. Edison owns, like many other power generation companies, a
15 mix of generation.

16 Q. Yeah; coal?

17 A. We own coal, we own nuclear, we own hydro, we own natural
18 gas, and we own wind.

19 Q. What are the biggest of those five? It's not wind?

20 A. I don't know off the top of my head. It's probably
21 between coal, nuclear, and hydro.

22 Q. It is. This relates to a point made last night, which
23 people were asking about earlier today.

24 The person who spoke at the end of the session last
25 night was making the point that the interest in wind power is

1 largely driven by an interest in production tax credits.

2 And the production tax credits are used to shelter
3 profits from -- I think coal is your largest generation source,
4 it may be nuclear -- but wind power production tax credits are
5 used to shelter profits from those, and so would you -- isn't
6 that not true?

7 A. No, I think you're drawing an inference that's incorrect.

8 For one thing, the existence or lack of existence of
9 the Redington Wind Farm will not cause Edison Mission or any of
10 our companies to burn one more pound or one less pound of coal.
11 It's totally irrelevant and totally unrelated.

12 What is true is that the Redington Wind Farm will
13 regenerate production tax credits, and those will help us
14 charge a lower price for energy from the Federal tax subsidy.

15 In order to benefit from those production tax
16 credits, yes, you have to be a profitable company and we are.

17 Q. And your profits largely come from another source of
18 generation?

19 THE CHAIR: We have to call it quits.

20 MR. TRAFTON: Thank you.

21 THE CHAIR: Now, I owe Mr. Thaler 2 minutes. He had
22 a couple of redirects he wanted to make, so I'm going to give
23 him his 2 minutes right now.

24 Are you ready to go, Jeff?

25 MR. THALER: I understand that we were talking, some

1 of us, that the Commission will not have redirect from any
2 party and that anybody who wants to do that, I guess, will just
3 make comments after the hearing.

4 EXAMINATION

5 (Of Mr. Bulow)

6 BY MR. THALER:

7 Q. Mr. Bulow, there was a question just asked a little while
8 ago about fire.

9 Has there been any experience of fire with the Vestas
10 V90 turbines that will be used here?

11 A. No. As a clear rule, the extent of the fires were winter
12 ones in the early 80s when, as Randy mentioned, the brakes on
13 the turbine. That is only a parking brake on these turbines.
14 It's all aerodynamic rates. They do not catch fire for that
15 reason.

16 Even the fact that you let the oil run out, when you
17 see lightning, yes, lightning can strike and it is likely to
18 hit an obstacle 400 feet high.

19 But what people tend to forget is all the surrounding
20 areas where the lightning otherwise would have struck on top of
21 the mountains, it will not hit that and the turbine height has
22 sufficient ground system to take that away.

23 That will not be an potential fire on the ground.

24 MR. THALER: I will stop there, and you'll yield you
25 back my minute.

1 THE CHAIR: We're going to continue now that we've
2 done the cross of the Applicant.

3 We're going to begin the direct testimony of the
4 intervenors, their summary of their direct testimony, and I
5 emphasize that word again.

6 To help some of these folks out, we have some people
7 here who can't be here tomorrow, we're going to rearrange the
8 schedule just a wee bit with everybody's indulgence.

9 I think we've talked to most everybody about this, so
10 I hope this isn't a surprise everybody, and we're going to
11 ask -- we're going to let the NRCM and the CLF group do their
12 direct testimony at this time.

13 Obviously, there's two different groups here. We'll
14 let them go at this point.

15 MR. THALER: Mr. Chairman, I guess I had been told it
16 would be NRCS, CLF, and then depending on the time, National
17 Park.

18 THE CHAIR: We'll do as much as we can this
19 afternoon. I haven't looked at my watch in a while. It's
20 3:30, so we've got an hour and a half before we kind of have to
21 finish here today, and then we go into this evening.

22 I think our plan is if there's no public testimony
23 tonight or very little, we're going to continue right on until
24 10, 11 o'clock tonight with the direct testimony of some of the
25 other intervenors so we can get as many done tonight as

1 possible.

2 MS. JACOBSON: Mr. Chair, can I make a request here
3 on behalf of Audubon.

4 Our understanding is that certain folks from IF & W
5 are only available today, and we have specific questions for
6 Karen Morris and Tom Hodgman and also for Dave Rocque, and I
7 just want to be sure that we have an opportunity to be able to
8 ask some questions.

9 THE CHAIR: I'm sorry, I did discuss that with
10 Marcia, and it was my plan to allow that, and I forgot about
11 it; so I appreciate your reminding me. We'll allow a limited
12 amount of time for this.

13 If those three -- these are all -- for those of you
14 who don't know -- these are all State employees who have been
15 consulted over many of the years on this project, so they need
16 to -- and they've made comments on the record, so I guess
17 they're certainly eligible to be examined.

18 Those three parties would present themselves to the
19 table to be examined, we'd appreciate it.

20 MS. JACOBSON: Just another point of order,
21 Mr. Chairman. I think the Applicant also wanted to
22 cross-examine these same witnesses, I'm not sure.

23 THE CHAIR: That's fine. We'll give everybody a
24 shot.

25 MS. JACOBSON: Okay. I think the order is that the

1 Applicant goes first and then --

2 THE CHAIR: I've got so many lawyers around me.

3 Jeff tells me that I should let my Commissioners also
4 ask questions of these folks here if they have any at this
5 point.

6 I don't see any. I'm going to give the Applicant his
7 due.

8 MR. TAMPANEAU: Steve Timpneau, environmental
9 coordinator. I work for the Maine Department of Inland
10 Fisheries & Wildlife.

11 MR. HODGMAN: Tom Hodgman, wildlife biologist, Maine
12 Department of Inland Fisheries & Wildlife.

13 MS. MORRIS: Karen Morris, wildlife biologist with
14 Inland Fisheries & Wildlife.

15 MR. ROCQUE: I seem to be the odd man out. I'm not
16 with Inland Fisheries & Wildlife. I'm Dave Rocque, the State
17 soil scientists.

18 MR. CHAIR: Thank you. Are you ready, Jeff?

19 MR. THALER: Yes. I'll just have a couple questions
20 for IF & W, and I'll try to identify the person, but is
21 somebody else can respond.

22 EXAMINATION

23 (Of Mr. Hodgman)

24 BY MR. THALER:

25 Q. There have been comments filed on behalf of IF & W April

1 27 -- roughly April 27 to May 4, 2006, so I'm just going to
2 refer briefly to some of those.

3 I think, Mr. Hodgman, in terms of the some of the
4 comments that you filed, you had also referenced the Stratton
5 Mountain study related to Bicknell's Thrush that I think
6 Mr. Roy talked about earlier today.

7 Do you recall that generally? Are you generally
8 familiar with the study?

9 A. I'm very familiar with it. I read the -- I'm very
10 familiar with the study. I read the paper in some detail
11 yesterday; however, I don't know that I read it in time for my
12 comments back in the spring.

13 Q. One of your comments says, These document a higher test --
14 highest nest densities near ski trail edges and have determined
15 these edges not exert "an important influence" of raising nest
16 degradation, citing Rimmer, and then, Study of two ski mountain
17 areas between Mt. Abraham and Stratton documented 57 percent of
18 all nests within 10 meters of a ski trail edge, with 45 percent
19 of these less than 2 meters from the edge.

20 Is that the same general study on Stratton that was
21 talked about earlier?

22 A. I believe so. Prepared for the Olympic Regional
23 Development Authority.

24 Q. Did you find that to be generally a reliable study in your
25 review?

1 A. Yes, in fact I spoke with the second author of that paper
2 on Tuesday to ask him some questions regarding this project at
3 Redington and just wind power and Bicknell's Thrush in general.

4 Q. Also, in your comments that were filed early May 2006 with
5 respect to this project, you indicated that you were not
6 requesting further field studies be conducted prior to
7 construction; is that correct?

8 A. That's correct.

9 MR. THALER: If I could just ask a couple of
10 questions of Ms. Morris.

11 EXAMINATION

12 (Of Ms. Morris)

13 BY MR. THALER:

14 Q. You also filed some comments in I think late April, early
15 May; correct?

16 A. Yes, I believe so.

17 Q. In one set of the comments in late April I think
18 concerning a particular species of bats and eastern small
19 footed myotis -- I pronounced that correctly, I hope -- you
20 felt that in regard to potential project impacts on this
21 species, none are anticipated; is that correct?

22 A. Yes, that's correct.

23 Q. In part that has to do with the limited roosting habitats
24 and higher elevations, as well as the general high wind
25 conditions?

1 A. Yes.

2 Q. Also, in your May comments with respect to -- generally
3 speaking with respect to the species of bats, roughly seven or
4 eight, you said that, I guess again with respect to the same
5 bat, there was not a lot of bat activity. Most activity
6 appears to occur well below the rotor swept area. There does
7 not appear to be any reason to suggest any changes in the
8 development, is that correct?

9 A. That's correct, yes.

10 Q. Also, with respect to the northern bog lemming, you wrote
11 that you thought that they, meaning the Applicant, have
12 addressed issues related to northern bog lemmings pretty well
13 in the revised plan.

14 They've moved towers out of the lemming habitat, and
15 the rotors have been moved out as much as possible to the edge
16 of their ownership.

17 Do you remember generally that comment?

18 A. Yes.

19 Q. Were you here today when there was testimony that there
20 appears that they are going to be able to move the road even
21 further away from the buffer area around the habitat?

22 A. Yes.

23 Q. Would that be an even greater security for ensuring no
24 undue adverse impact?

25 A. Yes.

1 Q. I guess Mr. -- well, actually one more question for
2 Mr. Hodgman.

3 EXAMINATION

4 (Of Mr. Hodgman)

5 BY MR. THALER:

6 Q. There's been some testimony earlier today about the type
7 or radar studies you've done for birds on this Redington
8 project over a number of years, as well as more recent studies
9 done on the -- not file -- the Kibby project for TransCanada;
10 is that generally correct?

11 A. Yes, as far as I'm aware.

12 Q. Is it true that in your opinion that the studies that this
13 Applicant was asked to do at the time, you asked them to do it
14 was done appropriately?

15 A. Yes, in fact I was the one to ask Woodlot Alternatives to
16 do initial radar studies, and it's my understanding that at the
17 time the options for determining vertical distribution of
18 migrating birds was not on antenna array, a vertical mode, but
19 from ceilometer studies, which I have very little faith in.

20 In a nutshell, simply using a large spotlight shined
21 directly into the sky and counting them, essentially birds and
22 bats, slash through that little cone of light as they're flying
23 at night.

24 It's a needle in a haystack approach to counting and
25 estimating height of migrating birds, and I didn't feel it was

1 possible adverse impacts so that there won't be undue adverse
2 impacts?

3 A. To the best of my ability, everything I've suggested has
4 been agreed to by the Applicant, and it's the best that I know
5 of that can be done in that terrain and environment.

6 MR. THALER: I have no further questions. Thank you
7 Mr. Chair.

8 MS. SPENCER-FAMOUS: Just to clarify one point
9 specific on that last question to you, Dave, specific to
10 wetlands, do you feel like the Applicant has for the most part
11 represented the wetlands adequately in balance or do you feel
12 like there's a lot missing?

13 MR. ROCQUE: One of the major issues in my opinion
14 with work in the mountains had to do with the hydrology, for
15 those of you who have read my comments of March 10th, you've
16 seen that.

17 On the actual mountains themselves, I think other
18 than the tops, it's going to be pretty unusual to find actually
19 the wetlands, because in order for an area to be a wetland,
20 there has to be stagnant water where the soil temperature's
21 above the logic zero, which is 21 degrees Fahrenheit, so
22 there's biologic activity, the oxygen is reduced, and then you
23 get those chemical changes.

24 On mountainsides there's such a slope that there's
25 water moving through that, and so it's generally oxygenated.

1 There are borings and some of the groundwater seeps where water
2 was coming up in July and should have been a reduced condition
3 in the soil and it wasn't.

4 So that's one of the issues with the actual wetlands.

5 At the base of the mountains where the topography
6 flattens out can get restored, but on the mountains themselves,
7 I don't think there's going to be a lot of true wetlands.

8 So I -- from what I've seen, I think that that was
9 the biggest, reasonably well, but I can't say I walked all of
10 the transmission lines, so I can't say that for certain.

11 MS. JACOBSON: Good afternoon. Maybe, Dave, I will
12 pick up with you since you were talking about wetlands and road
13 construction.

14 EXAMINATION

15 (Of Mr. Rocque)

16 BY MS. JACOBSON:

17 Q. You wrote a memo in May about your concerns about winter
18 construction saying you would oppose winter construction; is
19 that right?

20 A. That's right.

21 Q. Okay. And do you still stand by that May e-mail that you
22 wrote to Marcia?

23 A. Yes, I'm still reluctant to agree to give my approval to
24 constructing a road up in there in the middle of the winter.

25 Q. And why -- can you just elaborate a little bit on what is

1 the nature of your concerns?

2 A. There's a couple of issues, and one of them is my concern
3 about reconnecting the hydrology. That's my biggest issue.

4 And identifying where those locations where you need
5 to do the specific measures would be difficult to do in the
6 winter. They could be identified perhaps ahead of time, but it
7 would be difficult to do that in the winter.

8 And then there's just the conditions where it's very
9 cold, the snow, the wind blowing, and you're trying to do some
10 fine grading with soil that's not frozen and temperatures that
11 are going to be way below freezing.

12 The structural issue with the road, as well as
13 reconnect hydrology.

14 Q. On the hydrology piece, that's in part because the seeps
15 were prevalent and they are not necessarily able to be
16 identified during the winter; is that right?

17 A. Yes. Not just the seeps, but there's a lot of groundwater
18 that's very shallow in the mountains.

19 It's either in the soil running along the hard pan,
20 along the bedrock, or sometimes in a bouldery surface, and you
21 may not see it but it's there, so that can be intercepted.

22 Then it has to be reconnected below there.

23 Q. So the idea is during winter construction if you're out in
24 the field identifying, you need your toolbox approach as you
25 start to go along trying to figure out what technique to use,

1 you might not even know what technique to use because you want
2 be able to identify the hydrologically sensitive areas that
3 you're talking about?

4 A. Yeah, it may be very difficult. For one thing, once it
5 starts getting below freezing in the mountains, the water
6 supplies may not be there, so we may not see the water unless
7 there was somebody who was trained and really understood, and
8 the ground may be frozen, too. It may be difficult to
9 anticipate where those are.

10 Q. Okay. And in your experience, if you had to use this trap
11 rock sandwich that the Applicant is talking about using in
12 these situations where there's hydrology concern, would that
13 significantly increase the cost of the project -- of the road
14 construction portion of the project?

15 A. That would be -- I'm not an expert in what things cost but
16 it would be my opinion that that would be an expensive measure
17 to use extensively.

18 MS. JACOBSON: Thanks. That's all I have for you.
19 Thank you.

20 Next, I guess, Karen Morris, if I could ask you a
21 couple of questions.

22 EXAMINATION

23 (Of Ms. Morris)

24 BY MS. JACOBSON:

25 Q. I don't know if you heard Steve Pelletier earlier today

1 state that one cannot map the home range of northern bog
2 lemming based on just one data point, in other words, you can't
3 determine a home range of lemming annual cycle if the only
4 information you have is one single location point for that
5 lemming.

6 Do you agree with that statement?

7 A. You can't map the home range of that individual lemming,
8 but you can take an educated assumption of where those lemmings
9 are likely to be found based on habitat type.

10 Q. Isn't it possible, though, that even though the lemming is
11 found in the wetland that it could potentially use areas
12 outside the wetland for its other habitat needs?

13 A. Well, as far as I know, the only places they've been found
14 have been in sphagnum-dominated wetlands.

15 MS. JACOBSON: Okay. Mr. Hodgman, I only have about
16 2 minutes left I think here.

17 EXAMINATION

18 (Of Mr. Hodgman)

19 BY MS. JACOBSON:

20 Q. I understand what you were saying earlier that basically
21 when the Application was doing these studies nearly four years
22 ago now that you weren't aware of the, I guess the importance,
23 maybe, of altitudinal data; is that right?

24 A. I wouldn't say the importance. I would say the options,
25 the technological options, the radar technology for doing it.

1 I'm no expert on radar, but when we asking questions
2 regarding bird migration at the site, I think I suggested we
3 use radar.

4 The Kenetech project had used a modified marine radar
5 to do that and suggest Woodlot look into that, which they did.

6 Q. So you were really referring back to the Kibby project,
7 the data which was in '94, so it would have been eight years
8 before that, that same methodology was used; is that correct?

9 A. Yeah, in terms of radar, yes.

10 Q. So you weren't aware of studies that were done in the '90s
11 by Cooper and Harmata that addressed the ability to take
12 altitudinal data using vertical radar for avian studies then;
13 is that what I'm --

14 A. Not until I attended -- no, I wasn't. I have in the past
15 year or two or three. Working with Woodlot on other projects I
16 have.

17 Q. And you're also part of the stakeholder group on wind
18 power?

19 A. That's correct.

20 Q. As part of that process, that group is to come up with
21 some protocols for current avian studies that are in draft form
22 still, but nevertheless, they've agreed on some basic
23 principles or recommendations for avian studies that are
24 performed today; is that right?

25 A. That's right.

1 Q. And those include taking altitudinal data for birds so you
2 know whether the bird will be in the rotor-swept area; is that
3 right?

4 A. That's right.

5 Q. Okay. And also that those recommendations involve placing
6 the radar on top of the mountain so that you can then measure
7 the area where the wind turbines will be?

8 A. That is right.

9 Q. And also the recommendation is that the studies must
10 adjust the data to eliminate the number of insects so that you
11 know how many birds and bats you have versus the number of
12 insects?

13 A. That's correct. Those are all state-of-the-art techniques
14 that I would not be comfortable recommending to either --
15 providing a recommendation from my agency to either DEP or to
16 LURC via Marcia that if those weren't addressed on any project
17 or from this point on, but at the time those really weren't --
18 I wasn't aware of them. It's a timing issue.

19 Q. And whether it's acceptable in a current permitting
20 process to use data that's almost four years old I guess.

21 Are you familiar with the Maine Comprehensive
22 Wildlife Strategy?

23 A. Indeed I am.

24 Q. Are you the author of that document in part?

25 A. I am not the author of that document. I did help in many

1 ways in preparing it, but I did not write it, no.

2 Q. Does that document list both wind power development and
3 the construction of permanent roads as a threat to mountaintop
4 forests and specifically to Bicknell's Thrush habitat?

5 A. The reference to that would have come from a meeting held
6 in Rockland in I believe December of 2003 where a set of
7 threats were developed for all priority birds that occur in
8 what we refer to as the Atlantic northern forest region, which
9 Redington would be.

10 That workshop, those breakout sessions were
11 essentially a brainstorming of what people thought were threats
12 at that time, and certainly many of them are still pertinent
13 today.

14 That information was then ultimately folded in to the
15 comprehensive wildlife conservation strategies; so yes, I'm
16 aware that that's in there, but that's, in a nutshell, that's
17 where that information came from.

18 It's not like I sat down and wrote that one day and
19 then today I'm testifying differently.

20 It's a little bit out of content.

21 Q. I just wanted to establish, though, that the document
22 states that wind power projects are a potential threat to
23 mountaintop forests and the Bicknell's Thrush habitat.

24 I'm not hearing yet that it says that. You just
25 don't want to be considered the author of that statement?

1 A. That's correct.

2 MS. JACOBSON: I have no further questions. Thank
3 you.

4 THE CHAIR: Any other members of the Commission of
5 any questions here?

6 I guess you folks are off the hook. Thank you for
7 coming and being here.

8 PARTICIPANT: Mr. Chairman, members of the
9 Commission, I would like to present witnesses for Conservation
10 Law Foundation, Dr. Colin High and Seth Kaplan.

11 DR. HIGH: Thank you. I will present a verbal
12 summary of my testimony.

13 I have prepared a technical report of the voided
14 emissions from the Redington Wind Farm, which, in the past to
15 my testimony, Avoided Air Emissions from Electric Power
16 Generation at the Redington Wind Farm.

17 DR. HIGH: This provides, I think, all the technical
18 information that you may require. I would like to first of all
19 tell you a little bit about the form of analysis that was used
20 because I think it would help clarify a number of issues that
21 have arisen in this case.

22 First of all, I think we need to understand the
23 determination of avoided emissions from wind power plants.
24 That is not an exact science, but it's one which has made a
25 number of leaps forward in the last two or three years as many

1 jurisdictions throughout the country, states have regional gas
2 initiatives, state gas -- greenhouse gas initiatives and other
3 projects and also particularly the need to meet NOX emission
4 reductions under the Clean Air Act, particularly the NOX
5 CYPOL. These are concerns for states south of here, in
6 southern New England states, and in the mid Atlantic states.

7 As a result, because wind energy efficiency can
8 become very important strategies in all states for reducing air
9 emissions, and they are now generally accepted as an important
10 resource for reducing air emissions, and also, of course,
11 including the reduction of greenhouse gas emissions, ultimately
12 carbon dioxide of course.

13 The methods which I used are typically described as a
14 dispatched analysis or more exactly a generation matched
15 analysis.

16 In this what we have done is take the hour-by-hour
17 generation of all of those power plants in the New England
18 power pool, also known as the New England ISO, which are
19 variably dispatched, meaning they can be dispatched to meet
20 change of demands, and for all practical purposes these are all
21 fossil fuel plants -- coal, gas, and oil.

22 What we have done is to take the hour-by-hour
23 projected generation of the Redington Wind Farm based on its
24 meteorological data, which was provided to us by the
25 Applicants, and matched that against the generation which was

1 occurring on the New England grid from variably dispatched hour
2 by hour.

3 This first slide here shows you the average monthly
4 match against power plants by their fuel type. What you can
5 see is, of course, of most of the year -- in fact all of the
6 year -- the larger signal match is against gas, natural gas,
7 and then the next large matches, in some cases it's oil and in
8 other cases against coal. This varies by month, and it's the
9 summary of the hour-by-hour match that we find.

10 So this substantiates the well established point that
11 in general the Redington Wind Farm will displace or will be
12 matched on a time basis against predominantly natural gas and
13 then oil and coal.

14 This shows you the hourly emission right in pounds
15 per megawatt hour for NOX -- that's nitrogen oxide -- sulfur
16 dioxide and carbon dioxide.

17 As you can see, that changes dramatically hour by
18 hour, that trough there is power average, and you can see it
19 also has some NOX seasonality. And one of the reasons it was
20 summer, it's a little lower for NOX and SO₂ is because those
21 pollutants are regulated under a Cap and Trade program in
22 New England power.

23 Thank you.

24 When you take the match of those power plants against
25 the projected generation of the Redington Wind Farm, you can

1 then calculate what the actual -- what the hour-by-hour
2 emission rates are for those three, and then we have summarized
3 those on an annual and seasonal basis in these next two tables.

4 Just flip to the right chart because with my reading
5 glasses on I'm afraid I can't read what's up there.

6 In Table 2 you see the average annual avoided
7 emission rates from the Redington Wind Farm in pounds of
8 megawatt power of generation and you see what those numbers
9 are.

10 I will just tell you that they are a little higher
11 but quite close to an independent evaluation made for -- by the
12 New England Power Pool for what they call the marginal emission
13 rates, and those are the numbers I believe which Mr. Harnisch
14 has used also.

15 So those numbers are a little higher but generally in
16 the same ballpark as these NEPOOL numbers.

17 And then in Table 3 you see the total annual avoided
18 emissions from the Redington wind plant, and I have estimated
19 93.6 tons of nitrogen oxides, 401 tons of sulfur dioxide, and
20 149,381 tons of CO₂.

21 You'll notice in some of the other presentations on
22 the subject they've used total avoided emissions adding the
23 NOX, the SO₂, and the CO₂ together.

24 I would have to say that it's much better to
25 distinguish them separately because each of them has their

1 specific characteristics and their importance.

2 Nitrogen oxide and sulfur dioxide are both regulated
3 pollutants. Under the Clean Air Act, as everybody knows, they
4 contribute to acid precipitation, a significant problem in this
5 part of the world, and in addition they contribute, in the case
6 of NOX, to the ozone problem, which is wide spread throughout
7 northeast states, including on some occasions in Maine, and SO₂
8 and NOX together cause some part of the regional haze problem
9 and some part of the particulate problem. CO₂, as everybody
10 knows, is the major and most serious greenhouse gas, which is
11 of special concern I think to us all.

12 So this is what I have done, and I was posing forward
13 as reasonably comprehensive and as accurate as we can get
14 estimate of the emission rates and total emissions at the
15 present time.

16 The method which I used is also the method that my
17 firm has used and some of my colleagues working with the DOE
18 and The National Renewable Energy have also used in a number of
19 other states including Maryland, New Jersey, Connecticut, and
20 Virginia, all of which have used methods similar to this for
21 establishing the avoided emission rates in order to provide
22 credit incentives of other public policy actions with respect
23 to the air emission reductions from wind and other renewable
24 forms of energy.

25 That concludes my summary.

1 MR. KAPLAN: My name is Seth Kaplan, and I'm the
2 director of the Conservation Law Foundation's Clean Energy and
3 Climate Change program. I'll speak very quickly, very briefly.

4 The purpose of putting this slide up here, which is
5 Chart 4 in the direct testimony, is drawn from academic work
6 regarding the impact of global warming on forests of
7 New England.

8 It's very interesting -- actually, the US Forest
9 Services researchers, who have done tremendous work from 1991
10 to 2001, froze in 2001, and one suspects it had something to do
11 with the change in administration in Washington, but this is
12 still the best look at the impacts of global warming on the
13 forests in New England. Just to put into context, the one in
14 the upper left-hand corner, which is current FIA, is the
15 Federal view of current forests, types of tree cover.

16 The light blue dominating eastern Maine is spruce and
17 fir, and the red, that dominates much of New England, is the
18 traditional maple/birch that we all know so well.

19 And then the other two are different scenarios. The
20 CCC scenario is based on the global climate level maintained by
21 the Canadian government. The one at the bottom, the Hadley
22 scenario, is based on the global climate model maintained in
23 England by the universities there as one of the best respected
24 climate models.

25 And it just illustrates, I think --- based on -- I

1 just want put in context here, I think there has been some
2 underlying sentiments present at this hearing that I try to
3 dispel in direct testimony that there is a tension between
4 attacking the larger problem of CO₂ and global and local
5 resource protection.

6 I would strongly submit that this reality that we're
7 staring in the face here tells us that this is a false
8 dichotomy.

9 The largest single threat to the forest and the
10 magnificent mountains that this Commission is the steward of is
11 in fact this global warming. It is incumbent on the Commission
12 to know to deal with such threats using whatever tools you have
13 available to you. I know this Commission has fewer tools to
14 deal with it than the United States Federal government, but
15 you've got some.

16 As I discuss in the direct testimony, I have had the
17 misfortune of being exposed to a great number of the academic
18 and exercises in trying to figure out what variety of tools
19 will be needed to stabilize the climate.

20 I discuss at length one of the best known, which is
21 the analysis Doctors Pakulov and Sokolov from Princeton -- Dan
22 Schrag at Hartford is doing similar work -- and every one of
23 those analyses -- I talk at length about the Pakulov and
24 Sokolov one -- comes to the conclusion that amongst the tools
25 we need is a tremendous amount of zero emissions, renewable

1 energy generation, and that the only technology that we have in
2 the toolbox right now that can produce in those kinds of
3 amounts is wind power.

4 When we crunch the numbers, you've heard direct
5 testimony in terms of looking at what that means for
6 New England, it means thousands of megawatts, and I think there
7 is relative little dispute about that.

8 This means that rather than -- and as I lawyer I'm
9 very open to the way that an adversarial process can help us
10 arrive at truth -- I would suggest that what we need rather
11 than an adversarial process is a collaborative process to
12 figure out not if a project of this size, scale can be built in
13 a place with wind resource, but how, because we need to build a
14 lot of them if we are going to deal with it.

15 These and a lot of other things. In other rooms I'm
16 talking about efficiency and saying something very, very
17 similar about the challenge of efficiency.

18 But in this room, the tool that is at issue and the
19 tool that this Commission has available to it is siting
20 permitting of wind power.

21 As Mr. Didisheim actually discussed in his
22 cross-examination earlier, we have a paradigm in New England
23 that we have been as of yet unable to permit projects of this
24 size, scale, and type and that in fact is a problem.

25 I would just note for the record that CLF is a party

1 to the East Haven proceeding that was mentioned earlier. I'm
2 happy to answer any questions anyone has about that, about that
3 pilot project, that very small pilot, which is intended to be a
4 much larger project, but also deeply involved in the Cape Wind
5 process, and if anybody wants to know about the works on the
6 Beacon Hill Institute economic study, I'm happy to discuss it.

7 I would also note, as I mentioned in the direct
8 testimony, I'm a member of ISO New England's planning advisory
9 committee, and the next system plan that's in development right
10 now, looking at the draft, the e-mail came in yesterday -- two
11 of the topics that are greatly discussed in there are how to
12 build a system that can handle the kinds of renewable energy --
13 wind power -- that are contemplated by the new portfolio
14 standard, and dealing with the north/south bottleneck, the
15 interchange at the Maine/New Hampshire border.

16 So those are topics that are being heavily discussed
17 in the dynamic process that defines transmission thought
18 process.

19 Finally, I just want to address the thought -- I
20 tried to in direct testimony, the written direct testimony --
21 if it doesn't get built here, it will get built someplace else.

22 As has been pointed out, among other place, the
23 testimony the Natural Resources Council of Maine of their
24 economic expert, right now the renewable portfolio standard of
25 Massachusetts is being met through alternative compliance

1 payments. That is, there is not enough renewable power to meet
2 the mandate, there's a shortage.

3 I've often presented this in terms of an analogy
4 about a polluted lake and that applies generally to the issues
5 of greenhouse gas emission, that we have an enormous problem
6 being caused from lots and lots of places, and we need to begin
7 telling everybody, not just the big hotels that are pouring
8 pollution into the lake, not to the factory, but the little
9 houses, the small contributors, that they need to take action
10 to address this enormous problem, and we need to start figuring
11 out how we can address it.

12 On both sides of the coin, in terms of the actual
13 greenhouse gas emissions and in terms of getting the kinds of
14 projects we need to get built in order to address that problem,
15 we're facing what is known as the tragedy of the commons, that
16 we all are moving towards a larger mandate but we are unable to
17 take the individual steps needed to reach that mandate.

18 Our point today to you is in making a decision, it is
19 very, very important to ask the question, What step can be
20 taken in this, and in all other proceedings, to move towards
21 meeting that mandate that the legislature has put in front of
22 you as discussed in the statute that we have cited in the
23 testimony, and that is an imperative before us all.

24 THE CHAIR: Thank you very much. Does the Commission
25 have any questions?

1 MS. KURTZ: I have a question. When you add up all
2 the funds, 149,875, what is the ultimate emissions of all
3 sources for the entire year? I'm just wondering what percent
4 of all the emissions the 149,000 tons represent within Maine.
5 I think all the graphics we saw was Maine.

6 What percentage is 100 -- I mean, it sounds like a
7 huge number, 149,000 tons. Is it 1 percent of all the
8 emissions created in a year?

9 DR. HIGH: I'm sorry that I don't know the answer.
10 It's quite a small percentage of the total.

11 Redington on its own will not solve the greenhouse
12 gas problem, but it is an important step along with the
13 construction of many, many, many other wind plants all across
14 the country that will be needed for us to get our greenhouse
15 gas emissions down.

16 So it's a small number. It won't solve the problem
17 on its own.

18 MR. WIGHT: Thank you very much.

19 THE CHAIR: Thank you. Does anybody -- Mr. Plouffe
20 or Mr. Thaler. Jeff No. 2.

21 EXAMINATION

22 (Of Dr. High)

23 BY MR. THALER:

24 Q. Dr. High, I had some troubles with your numbers so I tried
25 to put them into context of something that I see like when I

1 think about losing 5 pounds, I think of it like a bag of sugar
2 that I'm carrying around my stomach so I can visualize a bag of
3 sugar.

4 But 149,381 tons of CO₂ a year, would you agree, is
5 about 300 millions pounds per year, 2,000 times --

6 A. Yes.

7 Q. So roughly 230 pounds per Maine person, so if I think
8 about carrying 230 pounds of CO₂ around, is that how much your
9 calculations, your study, independently suggest would be
10 displaced each year?

11 A. If you've got the math right, yes.

12 Q. Let me just make one observation, then. Burning a gallon
13 of gasoline in a car, for example, produces 20 pounds of carbon
14 dioxide.

15 If you want to -- if you want to do something a
16 little scary, you can calculate the fuel economy of your car
17 times how many miles you drive per year, that's how many pounds
18 of CO₂ your vehicle has put into the air.

19 I think that's what you're looking for is that kind
20 of an output.

21 PARTICIPANT: I'm too tired to go quite that far yet.

22 DR. HIGH: Six tons per car per year is the average
23 for the American automobile. That -- if you travel it's a
24 little worse.

25 BY MR. THALER:

1 Q. Mr. Kaplan, you said that you know something about the
2 study, the Beacon Hill economic study on tourism that
3 Ms. Hagerstrom was questioned about earlier.

4 I'm guessing that that was a study of not an existing
5 wind farm but a possible wind farm; is that right?

6 A. That's a study of the proposed Cape wind project. I'll
7 also fully disclose that my wife teaches at Suffolk University
8 Law School and David Tuerck and the other staff of Beacon Hill
9 Institute are faculty in the economics department at Suffolk,
10 but the Beacon Hill Institute they do theoretically on their
11 own time.

12 The study was financed by the Egan Family Foundation,
13 the AMC Corporation. AMC are strong opponents of the Cape wind
14 project. The raw data for that study was drawn by one
15 telephone poll.

16 I personally know several people who were reached in
17 that poll who took issue with the way it was conducted.

18 The result of the study was to find a -- go back to
19 the initial numbers -- but it was -- I can say with certainty
20 it was less than 1 percent impact on tourism on Cape Cod and
21 the reason they came back with large dollar numbers is because
22 there is so much tourism on Cape Cod.

23 I would also note that the Beacon Hill Institute is
24 on record as finding such other things, as investment in public
25 schools does not have a positive impact on the local economy.

1 fires, additional work has been done, just been published, in
2 the last month or so, and I thought that it was frankly
3 insulting to the Commission to make the point that a radical
4 change in the tree species would cause a radical change in all
5 other plant and animal species in the forests. I thought that
6 was strongly implied in the changing tree species.

7 You asked the question, I'll answer yes.

8 Q. Thank you. The other general area, is it true -- this is
9 something I hadn't been personally fully aware of until
10 recently -- is that with respect to global warming and the
11 increase of carbon dioxide in our atmosphere is having an
12 adverse impact upon our oceans?

13 A. Yeah, as a matter of fact, we're about to publish a report
14 on that probably next month.

15 Basically if you're a fish, the geography of your
16 world is defined by the ocean currents, and there is a lot of
17 work -- I would refer specifically to the work of the Arctic
18 Climate Impact Assessment that's referenced several times in
19 the direct testimony -- that the effect of global warming is to
20 radically change those ocean currents in ways that we frankly
21 don't completely understand but very likely to have a
22 tremendous change particularly on things like the gulf stream
23 that define the circulation around the Gulf of Maine and what
24 our fisheries people refer to as regional seas.

25 Q. Is it true that one of these effects of these increased

1 carbon dioxide emissions and the calcification of the ocean is
2 what appears to be the slow dying or death of things like coral
3 and sea life that tries to grows shells because of
4 calcification issues.

5 A. That's an area that I don't pretend to have expertise.
6 There are many, many studies documenting the impact of global
7 warming, particularly coral seems to be those studies saying
8 that there is combination of increased temperatures and
9 calcification, but I have to stop there. It's well beyond my
10 expertise.

11 Q. I'll offer and identify for the record -- and I have
12 copies for the Commission and parties -- three articles, one a
13 study by NOAA, National Oceanic Atmospheric Administration, on
14 carbon dioxide, and Ocean Legacy, a Washington Post story in
15 July of 2006 reporting studies of growing acidity of oceans,
16 and the third is a Portland Press Herald article of two weeks
17 ago reporting a study on Warming and Wild Fires.

18 These are topics that at least you referenced in your
19 testimony; correct?

20 A. Yes.

21 MR. THALER: Mr. Chairman, I'll pass these out.
22 There will just be a set of three, and then I've completed my
23 questions.

24 Whoever has their next set of questions can come up
25 if they want while I'm passing them to staff.

1 THE CHAIR: Mr. Plouffe, do you some questions?

2 EXAMINATION

3 (Of Mr. Kaplan)

4 BY MR. PLOUFFE:

5 Q. Mr. Kaplan, did the Conservation Law Foundation look at
6 the Redington project with respect to its potential impacts on
7 wildlife habitat?

8 A. It is not -- the answer actually is no, in terms of an
9 in-depth look in the way that we address these things in terms
10 of filing comments.

11 Q. How about water quality, impacts on water quality?

12 A. I haven't asked the people who do that work to take a look
13 at it.

14 Q. Did you look at anything other than your analysis of the
15 contribution of this project to reduction in fossil fuel
16 burning?

17 A. I have asked the other folks who do the work that you
18 referenced to take a look at it, largely because I felt that
19 there was a robust record on the subject and sufficient
20 expertise and justification and we have the resources to do
21 that considering the state of the record here from all sides.

22 Q. So the short answer to my question is you just looked at
23 the potential reduction in fossil fuel burning?

24 A. I did that because -- yes, and I did that because it was
25 clear to me that the record was very well developed with great

1 expertise from many different points of view on the subject,
2 and I didn't feel we added anything.

3 We have a limited staff with limited funding and
4 asking them to do something that others were doing seemed
5 duplicative.

6 Q. So your position is not, I guess, to support this project
7 at this location no matter what. It's just you're telling the
8 Commission that you looked at the fossil fuel avoidance issue?

9 A. We are here, as we stated to the Commission in terms of
10 our status here, we are here as neutral, we are here stating
11 that we strongly believe that the factors that we've stated
12 should be a very important part of the decision making process,
13 and it needs to be emphasized in the decision making process.

14 However, as we state correctly, yes, we do not
15 believe the project should -- that all wind projects should
16 happen at all places at all times, that there needs to be
17 thought given to -- in the process.

18 We are simply stating what we believe to be an
19 extremely strong element of that decision making process that
20 we wish to emphasize.

21 EXAMINATION

22 (Of Dr. High)

23 BY MR. PLOUFFE:

24 Q. Did I understand you to say that Maine Mountain Power
25 shared with you the meteorological data of Mr. Neidmeyer,

1 meteorologist?

2 A. No; shared with me information concerning the
3 generation -- the patent generation, which a based upon
4 meteorology.

5 Q. They didn't give you the meteorological report?

6 A. No.

7 MR. PLOUFFE: Thank you. That's all I have.

8 THE CHAIR: Are there any other intervenors that want
9 to question these witnesses? Peter Didisheim.

10 MR. DIDISHEIM: I just have a couple of very quick
11 questions.

12 EXAMINATION

13 (Of Dr. High)

14 BY MR. DIDISHEIM:

15 Q. Colin, if I understand your testimony correctly, I would
16 assume that you would include that if a 54-megawatt project
17 were built in this project area, you believe it would have
18 significant air emission benefits?

19 A. Are you referring to part of the --

20 Q. Yes. If the project were permitted to 54 megawatts in
21 this area, do you believe that would have significant air
22 quality benefits?

23 A. The emissions benefits are directly proportional to the
24 generation. So to the extent that a smaller project would have
25 smaller air emissions benefits, but all wind projects have air

1 emission benefits.

2 I think 54 megawatts would have proportional benefits
3 and they would be significant.

4 Q. You travelled over here from Vermont today?

5 A. I travelled from my home in New Hampshire.

6 Q. Are there any projects in Vermont that are as large as
7 54 megawatts that are currently are in the permitting process?

8 A. Not that I know of.

9 MR. DIDISHEIM: Seth, let me ask you a question
10 quickly.

11 EXAMINATION

12 (Of Mr. Kaplan)

13 BY MR. DIDISHEIM:

14 Q. The Conservation Law Foundation has followed New England
15 wind power projects in your organization as I'm aware and
16 you've been involved as an advocate.

17 Would it be preferable to Conservation Law Foundation
18 to have a 54-megawatt project in this area over nothing?

19 A. I mean, of course building something that has benefit is
20 preferable to nothing that does not have benefit.

21 It's a pretty simply calculation.

22 Q. You have followed many projects that have been denied
23 recently in the permitting process or the developer has pulled
24 out in New England, so wouldn't you assume that a 54-megawatt
25 project would be a pretty significant development if it was

1 permitted in New England -- in the interior Maine mountains in
2 New England?

3 A. Well, the projects that we spend the most time on are
4 significantly larger than this project.

5 Q. And they're not in the mountains?

6 A. They are indeed, yes, they are not in the mountains. It
7 is the nature of energy development in the United States over
8 the last 60-some-odd years that they are by and large built by
9 private entities.

10 So it is necessary to -- within that system -- to
11 work with places where a private entity has some degree of site
12 control and has actually proposed a project.

13 And yes, the project that we are working with the
14 greatest involvement are our mountain projects; however, I
15 would also note that the East Haven project, as I noted
16 earlier, was intended to be a pilot project for a much larger
17 project, and the outcome there is unfortunate, and I would
18 characterize the trend that you are relying on here that
19 nothing of this size has been built as an unfortunate one, not
20 a manifestation of the will of God or any such thing.

21 MR. DIDISHEIM: That's all I have.

22 THE CHAIR: Mr. Trafton.

23 MR. TRAFTON: Dain Trafton, Friends of the Western
24 Mountains.

25 EXAMINATION

1 (Of Mr. Kaplan)

2 BY MR. TRAFTON:

3 Q. Mr. Kaplan, I hadn't seen in your testimony any
4 reflections on the Beacon Hill study, but you apparently made
5 some that I just caught as I came in.

6 THE CHAIR: Get right up there because I'm having a
7 hard time hearing.

8 BY MR. TRAFTON:

9 Q. I hadn't seen any comments on the Beacon Hill study in
10 your testimony. I expected to question you.

11 Since you made some impromptu, I would like to say
12 this: Would you agree that it's rather hard to find any
13 studies whose providence or whose financial support is without
14 some question of bias?

15 A. I think accusations of bias can be raised in nearly any
16 context. In that case --

17 Q. Okay, you've answered the question.

18 When one raises accusations in accordance with one's
19 own prejudices rather typically, wouldn't you agree that the
20 final test of a study is to examine its methodology and to
21 determine whatever the problem it's for, that its methodology
22 seems to be balanced and sound or not?

23 A. I think the answer to that was implicit in my main
24 response to the question about that study, was to discuss the
25 data source that it drew upon and the fact that it -- in fact,

1 the conclusion that it's based upon is that the economic impact
2 of tourism on Cape Cod would be on the edge of statistical
3 significance and that the dollar numbers --

4 Q. Thank you, that's enough. I don't have much time.

5 In this case it might seem to show that very small
6 changes, percentages actually lead to rather significant dollar
7 amounts.

8 I would like to question Dr. High.

9 EXAMINATION

10 (Of Dr. High)

11 BY MR. TRAFTON:

12 Q. You provide, in your testimony, Dr. High, avoided emission
13 estimate which involves multiplying the estimated hourly output
14 of the plant by a time matched and generation weighted average
15 emission rate for the entire New England power pool; is that
16 correct?

17 A. Matched power to output, yes.

18 Q. When a renewable power plant is brought on line, does it
19 displace all existing fossil fuel generation proportionately or
20 does it displace the highest marginal costs power units in the
21 dispatch order?

22 A. Would you be specific about the renewable fuel generation?

23 Q. Wind.

24 A. Okay. It displaces that part of the load, which is able
25 to respond quickly, and it displaces that generation, which is

1 able to respond quickly because it is not -- wind is not
2 predictable, so it displaces what is on the power grid at that
3 time.

4 To the extent that anybody could foresee wind coming
5 on a particular time, it might displace the most expensive power
6 -- called marginal rate -- but I don't believe the way the
7 system is actually operating that that is the case.

8 Q. Well, if it does require to displace power, which can
9 react quickly and thus react to the instability of wind, then
10 isn't what one needs in order to determine what the actual
11 effect of a particular wind plant would be quite specific study
12 of the areas in which the wind plant is located, the various
13 aspects of the grid, into which this wind power has to go,
14 including questions of congestion, so as to know precisely how
15 a particular wind plant will react?

16 Isn't that true that this is the only way to really
17 know what is going to happen?

18 A. That isn't the only way of knowing what is going to
19 happen. It's also very difficult to do if you wanted to
20 because the decision might be quite transient.

21 I assume that you're alluding to the fact that there
22 may be congestion on this line and/or there may be congestion
23 between Maine and the rest of New England at some times, and
24 that may be true and it may affect it to some degree but not to
25 any large degree.

1 There is a fairly well established practice called
2 taking the average throughout the power market that has been
3 the way of making this estimation.

4 Q. I know it's an established practice, but I think your own
5 testimony and answers to these questions suggest that as an
6 established practice it's quite an inaccurate one.

7 Are you aware --

8 A. I --

9 Q. I ask you questions. I'm the one who has to conduct this.

10 You used a New England average. Are you aware that
11 the emissions rates that you used employing the New England
12 average are in fact 12 percent higher than the emission rates
13 given for Maine in the ISO New England report?

14 A. First of all, I do not agree with your characterization of
15 my answer.

16 Second, I'm aware that there are differences between
17 the New England ISO estimated margin emission rate data and
18 mine. It is lower and that's because it's calculated in a
19 slightly different way.

20 I don't -- I don't want to say that the New England
21 ISO's marginal numbers are inaccurate; I just believe that mine
22 are better and that whichever of those numbers you take, you
23 still get a fairly large -- a very large and quite significant
24 air emission reductions for NOX sulfur oxides.

25 Q. One which is based on averages, not on actual analysis?

1 THE CHAIR: Dain, we're done.

2 MR. TRAFTON: I'm done. Thank you.

3 THE CHAIR: Is there anybody else? Okay. Thank you
4 very much. I appreciate your testimony.

5 We've got about 20 minutes to go until 5 o'clock, and
6 we've got to kind of take a break because we really have an
7 obligation to be back here at 6 ready to roll.

8 I think that NRCM, what can you -- I'd like you to do
9 whatever you can do in the next 20 minutes, and then we'll have
10 to pick it up afterwards.

11 You can be the hero of the day if you can get it all
12 done between now and 5 o'clock since you've quite a bit to say.

13 I think we know what your case is.

14 MR. DIDISHEIM: I am going to use some slides. I
15 don't know if those are going to be set up or not.

16 I'm Peter Didisheim. I'm the executive director for
17 the Natural Resources Council of Maine, and with me today as an
18 expert testifier, Jonathan Winer, of Kaplan and Associates,
19 will be speaking about the viability of the Black Nubble-only
20 option.

21 You have a very difficult job; we have a difficult
22 job. Not just those of us in the room today involved in this
23 proceeding, but the State of Maine.

24 We're being asked by the Applicant to allow a very
25 large wind farm by New England standards to be built in one of

1 the most scenic areas not just in Maine and not just in
2 New England, in the entire eastern United States along the
3 entire Appalachian Trail corridor.

4 As we've seen over the last 24 hours and will find
5 out further over the next 24 hours, there are very strong
6 arguments and passions on both sides of this issue, and both
7 sides have valid claims: We do face an imperative to reduce
8 our dependence on fossil fuel and to do our share in responding
9 to the threat of global warming.

10 We also have a responsibility to protect parts of the
11 natural world with special values, places like Redington Pond
12 Range and the mountains behind us.

13 The stage is set for an all-or-nothing battle that
14 NRCM does not believe that the only viable outcome in this
15 proceeding is for one side to win and the other side to lose.
16 We actually think that's the worst outcome.

17 NRCM believes that a compromised solution is
18 available. It would involve only building 18 turbines on
19 Black Nubble and placing Redington into permanent protection as
20 mitigation for development.

21 A 54-megawatt project would be a very significant
22 renewable energy project. It would be one of the largest wind
23 power projects in New England.

24 As stated in our prefiled testimony, we conclude that
25 the Applicant has failed to demonstrate that the proposed

1 project would have no undue adverse impact on existing uses.

2 A project like this is going to have very significant
3 impacts. It is not correct to say that putting turbines on
4 these mountains will be as beautiful as what nature has
5 provided. The impact will be striking to people who see it.

6 We also conclude that the Applicant has failed to
7 demonstrate that the proposed project utilizes the best
8 reasonably available site for the proposed purpose.

9 I believe that in our cross-examination we have
10 helped to show and establish for the record that a project
11 confined to Black Nubble would result in significant reductions
12 in visual and environmental impacts, and we believe that the
13 Applicant has established that for the record, while also
14 providing significant clean air benefits.

15 If I can switch to slides, I would like to do that.

16 This chart shows that Redington is one of the highest
17 peaks in Maine. It's the only mountain, Redington Pond Range,
18 above 4,000 feet in elevation that is not currently protected
19 other than the top of Sugarloaf Mountain.

20 We believe that the resource values associated with
21 Redington Pond Range make it one of the most deserving of
22 protection, and we believe that the line needs to be drawn
23 somewhere within Maine's mountains about which peaks wind power
24 can go on and which ones they are not going to go on. We
25 believe that it's important to set the precedent that Redington

1 Pond Range is one that is not appropriate for wind power.

2 We believe that Black Nubble project, however, does
3 provide the best reasonably available siting. It would have
4 reduced adverse impact in many ways: Reduced road building,
5 reduce habitat fragmentation, reduce impact on the roadless
6 corridor, reduce visual impacts, reduce impact on remote
7 resource values, and reduce proximity to the Appalachian Trail.

8 If combined with mitigation of protecting Redington
9 Pond Range, we believe the outcome would be a very significant
10 and meaningful result for the state of Maine.

11 This map shows where the 30 turbines are located.
12 You can see in the center where Redington's turbines, those 12
13 turbines, are much closer to the Appalachian Trail. They're
14 higher elevation.

15 This chart augments that. You can see that the
16 distance to the AT for each of the 12 turbines on the left side
17 of this is between 1 mile and 1.95 miles.

18 The nearest point to the Appalachian Trail for the
19 Black Nubble turbines is from 3.3 miles down to 4 miles.

20 As our testimony also describes, from most visual
21 sites along the AT, we believe the impact will be significantly
22 reduced as a result of reducing cutting this turbine project
23 back.

24 The Black Nubble Mountain, we believe, is over on the
25 fringe of the Bicknell's Thrush habitat. It is the mapped

1 image here.

2 In this map -- in this chart we show all of the wind
3 power projects currently being pursued in New England. We
4 include the far-to-right Redington/Black Nubble, the
5 Applicant's proposal, and another project that may be coming.

6 The yellow is a 54-megawatt Black Nubble project,
7 which is larger than all of the mountain -- all of the projects
8 that currently are being pursued, perhaps other than Cape Wind,
9 which we believe is.

10 The yellow would be a 54-megawatt Black Nubble
11 project in comparison to Maine's hydro power dams. Maine has
12 102 hydro dams. Ninety-five percent of them generate less
13 power than a 54-megawatt Black Nubble-only project would
14 generate.

15 The challenge before us is that Maine does need both
16 clean power and protection of our remote resource values. We
17 believe that progress towards both goals is possible through a
18 compromise.

19 What has been proposed we believe is too big for this
20 landscape. It's asking Maine people to sacrifice too much in
21 exchange.

22 We think a compromise is available. We commend what
23 Seth Kaplan just mentioned about a collaborative to try to get
24 to the right solution for this problem. And all or nothing, we
25 do not believe, is the right outcome.

1 We hired an independent consultant to do a financial
2 feasibility assessment for us of the Black Nubble. I'll pass
3 it on to Jonathan Winer.

4 MR. WINER: Thank you. My name is Jonathan Winer. I
5 work at Kaplan Associates down in Boston. We're a 20-person
6 energy consulting firm with our focus on energy markets and a
7 special focus on renewable energy markets, electric resource
8 planning, energy procurement, and project-specific analysis.

9 Our work is in fact very objective. We have worked
10 with developers, we work with utilities, we've worked for
11 potential investors in projects sizing them up, and we do work
12 for regulatory agencies, and this work is basically across the
13 country and it includes work in Canada and in fact some other
14 countries.

15 We were engaged by NRCM with a question and it was a
16 very open-ended question. Can a 54-megawatt project work
17 financially.

18 No prejudgment was applied. We were asked our
19 opinion with the idea that if we came back with an answer no,
20 that would influence how the Council would look at it. But
21 there is nothing -- no specific instructions other than to do
22 our best job with the information available.

23 And the second question we were asked was, well, if
24 it is feasible, how would a 54-megawatt project impact or fit
25 in with the renewable policies of various states including

1 Maine?

2 The answers that we came back with are that a
3 54-megawatt project does have potential to be financially
4 feasible and that the 54-megawatt project will be a significant
5 addition to the region's renewable resources.

6 Since the explanation of the financial feasibility is
7 a little bit more involved, I would like to just summarize how
8 we reached conclusion No. 2, a few observations on how a
9 54-megawatt Black Nubble project would fit in to the
10 New England demand.

11 Basically, Maine and other New England states as a
12 whole have consistently promoted renewable energy, and recent
13 developments have accelerated that.

14 There's material on Pages 9 and 10 of my testimony,
15 which I show how this is developed, with major demands coming
16 from Massachusetts, Connecticut, and Rhode Island as that
17 State's renewable portfolio standard unfolds.

18 If you look at the graph on Page 10 of my testimony,
19 you'll see that I don't have any slide in there for Maine. The
20 way we were looking at it at the time we were starting to
21 prepare this was that the existing Maine renewable portfolio
22 standard at that time was fully subscribed by existing
23 projects.

24 However, as you're all aware, recent legislation has
25 set a goal of adding 10 percent new renewables by 2017 and has

1 put in place a mechanism that has potential for achieving that
2 goal. And when you look at all that, I would just add, too,
3 the demand is out there for renewable resources in New England,
4 so a 54-megawatt wind project on Black Nubble would take a nice
5 step towards meeting that.

6 Now to a more detailed discussion in Question 1. Is
7 a 54-megawatt project economically viable on Black Nubble.

8 As I said earlier, we do conclude that it's feasible.

9 In order to get there, I would like to explain steps
10 we took to reach our conclusion.

11 First, ideally we would have looked at the details of
12 the spreadsheets of the developer but those are proprietary and
13 we elected not to go that way because there is enough
14 information in the public record that we could construct an
15 approximate view of the project.

16 So we took that information that was available,
17 basically accepted it without challenge initially, and then
18 applied our knowledge to fill in some of the missing points.

19 When we filled those in and ran this in our wind
20 model, which we've applied in many different circumstances
21 around the US, we came out with answers that were consistent
22 with other numbers that were provided by the Applicant in terms
23 of tests that we don't normally look to, which is the
24 accounting income, the book income.

25 So we thought that our model was close. It's

1 definitely not the exact model that the Applicant is running,
2 but it is very close.

3 We then took that model and applied the data that
4 focused on 54 megawatts, and we started looking at how that
5 project would work out, again using input from materials
6 supplied by Applicant.

7 We found the results from that were acceptable in
8 many ways. It's clear that the economics of the 90-megawatt
9 project as a developer are far superior, but there are ways to
10 look at the 54-megawatt project and make it, at least as I
11 would call it, feasible.

12 Prefiled testimony that I presented explains many of
13 the details, but I do want to clarify a couple of items that
14 have come up several times in discussion this morning as to how
15 my presentation applied to various numbers available for
16 achieving our revenue expectations for the project.

17 You may recall that there's three components that
18 we've been talking about. There's the energy revenue, the
19 dollars per megawatt hour, the cents per kilowatt hour.
20 There's a value to that project for producing and delivering
21 energy at the Bigelow substation.

22 There's also what we call a TASKY value, that
23 instantaneous capability in terms of kilowatt or megawatts, and
24 I'll explain a little bit about that in a moment.

25 Then there is this concept that we've been talking

1 about calls RECs, renewable energy certificates, and those are
2 the way in which our compliance with the renewable portfolio
3 requirements. That's how that's tracked. They can also be
4 used for other mechanisms as well. That's the primary way of
5 doing it.

6 So there has been some confusion as to what do these
7 numbers mean, did the AIRIS analysis just look at short-term
8 numbers and create something that is perhaps out of line of
9 long-term expectations.

10 I'd like to explain why that's not actually what we
11 did. I think it is in my testimony.

12 We basically did not limit ourselves to short-term
13 data, although we referenced it by way of context so you would
14 understand where we were coming from.

15 On the energy, we looked at the last two years' worth
16 of actual short-term delivered cost data or the energy price
17 data at Bigelow substation.

18 We then applied market conditions, futures market
19 analysis for gas prices on the New York Mercantile Exchange.
20 Those go out to the year 2011.

21 We adjusted that pricing and applied that to the
22 clearing prices that we were seeing at Bigelow based on the gas
23 prices that applied retroactively for the two years, and that
24 produced a forecast of prices through 2011 of between 59 and
25 \$69 a megawatt hour.

1 You may recall my testimony, we talked about a range
2 of 55 to 65. We used that lower number because we reduce the
3 bias downward over time, and we stuck with \$59 a megawatt hour,
4 which was the below the point of the next four years, as the
5 basic starting point for our comparison to see was it feasible.
6 Not that it's definitively going to happen, but is it feasible.

7 On the REC side, as I mentioned, in the last few
8 years the major driver of REC prices in New England has been
9 Massachusetts. The prices in the short-term market are
10 clearing over \$50 a megawatt hour, 5 cents a kilowatt hour.

11 We didn't use that number other than by way of
12 context because we know that the longer term deals being done
13 are showing clearing prices in the \$20 per megawatt hour or
14 slightly higher.

15 There aren't that many of those deals done
16 separately, but we are privy to some information, public
17 information, that I can talk about here.

18 We actually expected a range in the chart that I
19 have, I think it's on Page 8. We used both 15 and \$25. It's
20 much harder to forecast for REC prices. It's a newer market
21 and it's a very shallow market, but there's a very high demand.
22 And in fact, as I say, if you had RECs available today from
23 this project, you could sell them short them in Massachusetts,
24 that they're worth over \$50.

25 On capacity we were driven by a schedule that came

1 out in the most recent -- a very recent ruling in June from the
2 Federal Energy Regulatory Commission that specifies approval of
3 a settlement and includes rates for capacity pricing into 2010;
4 and as you'll see on the table on Page 8, I show 5 and \$10
5 pricing in low and high REC expectation scenarios.

6 We translated the settlement approved by FERC and
7 translated that into a dollars-per-megawatt hour basis to come
8 up with that range.

9 When we took those numbers together, as you can see,
10 in the high REC expectation, we ended up with revenues that
11 would exceed the revenue requirement as accepted from the
12 numbers we got from the Applicant. The lower expectation comes
13 up short.

14 So the range is there. It could be done. This is
15 accepting all the cost information that we were provided.

16 So we then took a look at that and said, well, gee,
17 if the Applicant gets an approved site for 54 megawatts and
18 sees neither of these middle two revenue stream possibilities,
19 the Applicant should have incentive to figure out a way to get
20 there if possible.

21 We then looked and said, are there any ways -- what
22 we would call creative ways -- that would allow the project to
23 drive these costs down to more neatly fit within the range of
24 pricing that we see in the long term.

25 We came up with several costs in this regard, which

1 we touch on in the testimony, and these would include, well, if
2 you only built 54 megawatts, you might not need a full 115 kV
3 line and you might be able to get by with 34, and typically it
4 costs a bit less. It's not proportionate but it's a bit less
5 to construct a 34.5 kV line.

6 Financing costs are flexible and move over time.
7 We've seen recent financings by other parties of the magnitude
8 of the Edison Mission Energy company where costs have come
9 down. Long-term debt financing is available. Wind investments
10 are favored by many players, and in the right situation, we
11 could see potentially some financing cost savings.

12 And we also see potential for revenue enhancements.
13 It's true, it sounds like the deal that has been worked out
14 between the Applicant and Constellation, but we're not that far
15 apart, a developer could come along and try to figure out a way
16 to renegotiate, come up with some additional revenue.

17 So in inclusion, we determined that a permanent
18 54-megawatt site at Black Nubble does have value, and if this
19 Applicant after this many years of working on project decides
20 that the numbers just don't work, we do think that there may be
21 other developers out there who would take a very serious look
22 at this, and we do encourage the Applicant to seriously
23 consider this option.

24 Thank you.

25 MR. WIGHT: I want to know if you have investors.

1 MR. WINER: No, but we're familiar with them. As the
2 folks from Edison have testified and in their materials,
3 they're in a position to finance this fully on their own.

4 Whether they -- as I said in my testimony -- whether
5 they decide to proceed is very much an individual matter of
6 looking at the risk profile and the likely rewards that they're
7 going to get.

8 I'm not here to tell you that Edison -- excuse me,
9 Maine Mountain Power only needs a certain level of return in
10 order to go forward. That's a very individual item.

11 But clearly the wind business, which expects to have
12 upwards of 3,000 megawatts installed across the US this year
13 alone, that's a lot of capital, and there is a lot of capital
14 chasing these projects.

15 This Applicant has the ability to go forward and do
16 it.

17 THE CHAIR: Rebecca.

18 MS. KURTZ: You mentioned possibly putting Redington
19 into conservation. Would that be as part of the compromise,
20 develop Black Nubble and put Redington into conservation?

21 MR. WIGHT: This isn't in the application.

22 MS. KURTZ: No, no, but I'm just curious when we're
23 talking about financial stuff and wondering if there's any --

24 THE CHAIR: I guess the question, your direct
25 testimony indicates that there were two pieces here: One you

1 wanted Redington range basically, and you would support a
2 54-megawatt project if they would throw in the Redington
3 Mountain, the top of the mountain.

4 MS. KURTZ: Physically putting something into
5 conservation as a tax benefit to them.

6 MR. WIGHT: That's private land.

7 MS. KURTZ: I think if it's put into -- is there the
8 possibility of any kind of tax incentive to putting that land
9 into conservation.

10 MR. DIDISHEIM: The Applicant owns 17 acres on the
11 top of Redington Pond Range. We do, in our direct testimony,
12 state that we think it would be a good compromise and an
13 appropriate mitigation on site within property that's owned by
14 the Applicant in exchange for the impacts of development.

15 That land currently is zoned as protection
16 management. It isn't zoned for wind power. So there is a
17 level of protection right now.

18 THE CHAIR: It's 5 o'clock, and to keep our
19 obligation back here at 6, I'm going to have to take a break.

20 We will allow cross-examination of these witnesses.
21 I'm very interested to hear what we're going to hear because
22 I'm not sure what the other intervenors might have to say, but
23 it should make for interesting testimony.

24 We will -- well, I hope that the intervenors and the
25 and Applicant will melt a little bit here and we'll take a look

1 at the situation for tonight, how many people from the public
2 we have, and based on last night, we had 65 people testify last
3 night. I'm not sure we're going to have the same volume. I
4 would hope to get back to this tonight.

5 I think the obligation, however, is to allow some
6 people from the general public to testify at 6 o'clock because
7 that's what we advertised.

8 I'm hoping Mr. Winer can remain with us at least
9 until the conclusion of tonight's program.

10 Is that fair?

11 MR. WINER: I would be pleased to.

12 THE CHAIR: Thank you. We will be back here promptly
13 at 6 o'clock, so I would ask that all of the intervenors and
14 their witnesses be here at 6 so we can proceed.

15 Thank you.

16 * * * * *

17 (The hearing was suspended at 5:02 p.m. on August 3,
18 2006.)

19 * * * * *

20 (The hearing resumed at 6:02 p.m. on August 3, 2006.)

21 * * * * *

22 (PARTICIPANTS SWORN EN MASSE.)

23 * * * * *

24 THE CHAIR: We're not going to go through a whole
25 detailed presentation on the project because I think most of

1 you are fairly familiar with it.

2 Marcia is going to give a very brief overview, and
3 there's lots of information on the wall over here and over on
4 the table over here to give you additional information should
5 you desire it.

6 So with that I'm going to ask Marcia to go ahead with
7 her short statement.

8 MS. SPENCER-FAMOUS: In February of 2006 Maine
9 Mountain Power submitted a petition to rezone approximately --

10 PARTICIPANT: We can't hear you.

11 MS. SPENCER-FAMOUS: In February of 2006 Maine
12 Mountain Power submitted a petition to rezone approximately
13 1,000 acres on Redington Pond Range and Black Nubble Mountain
14 in Redington Township, Franklin County.

15 This is for the purpose of constructing a 30-turbine
16 wind farm. The matter before us is being considered at this
17 time is the rezoning of the parcel and preliminary development
18 plan.

19 Within the proposed planned development subdistrict,
20 the Applicant would construct wind turbines on Black Nubble
21 Mountain and Redington Pond Range, gravel access roads, and
22 utility lines.

23 Outside the proposed planned development subdistrict
24 associated with the project in Redington Township and Wyman
25 Township, the facility would include 34.5 kV and 115 kV utility

1 lines, access roads, a maintenance building, and a substation.

2 The activities within the planned development
3 subdistrict would include 12 turbines on Redington Pond Range
4 and 18 turbines on Black Nubble Mountain, approximately 12
5 miles of new gravel roads, and above- and below-ground 34.5 kV
6 utility lines.

7 Each turbine would be 260 feet tall with a 300-foot
8 diameter rotor, for a total height of 410 feet.

9 The area to be cleared within the planned development
10 subdistrict would be 106 acres during construction, which would
11 be reduced to 70 acres when operated after revegetation. The
12 total untouched area within the planned development subdistrict
13 would be 898 acres.

14 Both within and outside of the planned development
15 subdistrict the total area to be cleared for this project,
16 including mountain and utility lines, will be 307 acres. The
17 total area of wetland impact will be approximately one-third of
18 an acre.

19 THE CHAIR: Thank you, Marcia. I guess in reviewing
20 the list here, we have -- if there are any State
21 representatives that wish to speak, we would offer them the
22 courtesy of coming up first.

23 Also, Governor King is with us tonight, and I would
24 offer him the courtesy of making the first testimony.

25 FORMER GOVERNOR KING: That's okay, I'll wait.

1 Whatever order it's in.

2 THE CHAIR: Thank you. You're number 55. We'll be
3 here at 8:30 tomorrow morning.

4 All right, that being said, I would -- I'm going to
5 read four names off here and I would ask that you come down to
6 the microphone and be prepared to testify.

7 Tony Barrett, James Picone, and John Bertl, and Tom
8 Manzaka. I hope I've got that one right.

9 So if those folks would get ready to testify, that
10 would be helpful.

11 And with that the first gentleman may proceed.

12 Please give your name and residence for the record so
13 this lady over can get it on the -- the court reporter can get
14 it. Just as a reminder, everybody, as I said, we are recording
15 this. There's an audiotape being made as well as an official
16 court recording.

17 PUBLIC TESTIMONY

18 MR. BARRETT: My name is Tony Barrett. I live in
19 Harpswell, Maine, and I'm speaking in opposition to the
20 application.

21 Just as -- Mr. Chairman and Commissioners, just as
22 background I have worked in the energy industry for 21 years
23 and have some familiarity with the power business and as such
24 I've always been interested in wind power.

25 I've visited Altima in California; I've seen several

1 wind farms in Europe; I've stood beneath the turbine in Hull,
2 Massachusetts, and you hear people talking about them being too
3 noisy but this is actually pretty reasonable sound-wise. Maybe
4 it was one of those days it wasn't operating, I don't know.

5 Two weeks ago I was driving down in Boston and went
6 by the wind turbines in Dorchester, the first commercial wind
7 turbine in Boston.

8 What struck me was the variety of sites that these
9 turbines have been sited, both on the coast and inland, rural
10 and urban. It sort of raised a question in my mind, why is
11 Maine Mountain Power siting this project in the western
12 mountains in the Redington Pond area in such a unique place.

13 I was here last night and listened to some of the
14 comments. There is some very sincere people talking about
15 global warming, and the implication was made that this project
16 is the only wind power project that can be done in Maine and it
17 should be done at any cost.

18 I also realized that wind resource is an important
19 component in the evaluation of many of these projects economic,
20 but I would guess that Katahdin has more wind resource than
21 Redington Pond Range.

22 It's possible that Cadillac Mountain has more wind
23 resource than Redington Pond Range. Would we put wind turbines
24 on top of these two mountains? No, we wouldn't.

25 And the reason why is the quality of place. The

1 impact on the quality of place is too great compared to the
2 value of those sites. That quality of place costs does not
3 offset the perceived value of the wind power.

4 I have walked on many of the high ridgelines in
5 New England, and I'll see while walking along old fire towers,
6 cell phone towers, ski lift towers.

7 Personally, it doesn't bother me because it's in the
8 areas where there's already been development for hundreds of
9 years. Down in valleys you see highways, towns founded in the
10 1700s, homes.

11 When you walk in the Redington Pond area, it's one of
12 the last few places in the eastern United States where you see
13 no development. It's quite unique. You can walk through there
14 and all you see surrounding you is 4,000-foot peaks. It's
15 quite a unique place.

16 Also last night in hearing the comments I had a
17 realization. There were a string of speakers who were private
18 investors in Endless Energy who spoke, and my realization was
19 my wife and I are investors in the Redington Pond area.

20 Not too long ago we made a significant -- at least
21 significant for us -- personal donation to conserve land on
22 Saddleback and on Mt. Abrams.

23 Unlike the investors for Endless Energy, we're not
24 looking for a financial profit on our investment. We made that
25 investment because we value the quality of this place.

1 Please don't grant the zoning variance that will ruin
2 the quality of this place.

3 Thank you.

4 MR. MANZAKA: Good evening. My name is Tom Manzaka,
5 and I'm speaking in opposition to the proposed wind power
6 project.

7 My wife, Pam, and I have lived in Strong, Maine for
8 25 years. We made a conscious decision to live in this region
9 because of its unique character and feel that this project
10 constitutes a severe and unnecessary threat to this area for
11 two basic reasons: No. 1, the physical presence of such
12 machinery would destroy the identity that makes western Maine
13 so special. It is extremely important that the local people
14 that live in Franklin County are heard in this discussion. We
15 do not want these windmills to dot the horizon. It would be
16 difficult to find a worse place to site such construction.

17 Secondly, this project is less about energy
18 conservation and more about wealth production for a group of
19 private individuals. It is disguised as using a renewable
20 resource when in fact it will destroy natural resources that
21 are not replaceable.

22 When the facts are considered, this is a reckless
23 project that does not benefit the people of Maine in a way that
24 would come close to justifying its causes.

25 In conclusion, we hope that the Commission will

1 recognize the severe impact this proposal would have on this
2 fragile ecosystem that is so important to us.

3 Thank you.

4 THE CHAIR: As I said last night, it would help if we
5 minimized the applause.

6 I appreciate that you all want to support people who
7 agree with you, but it slows the process down and it really
8 doesn't serve much purpose as far as we're concerned. It's not
9 relevant to our decision that you applaud all the people you
10 agree with.

11 It would help us move this along if you didn't do it.
12 Thank you.

13 And you are?

14 MR. LABRECQUE: James Labrecque, I'm from Bangor.

15 THE CHAIR: Well, Jim, I didn't call you up. A lot
16 of the people that I did call up didn't show up, so I don't
17 know where they went to.

18 MR. LABRECQUE: I didn't know if you pronounced my
19 last name wrong.

20 MR. WIGHT: Go ahead.

21 THE CHAIR: You can go ahead. We'll get it sorted
22 out after you're done.

23 MR. LABRECQUE: Thank you. My name is Jim Labrecque
24 and I'm from Bangor, and I'm originally from Franklin County,
25 born in Farmington, graduated from Mt. Blue. I'm also an

1 inventor. I invented refrigeration processes that don't use
2 CFCs and are far more efficient. I invented process controls
3 systems, the most advanced in the world, used in big places
4 like Trump Palace in Manhattan. And I also have
5 refrigeration's first CFC-free refrigeration system in Trump
6 Palace in Manhattan, and I also have one of my first prototypes
7 here in Franklin County right in Kingfield at Trenton's Market
8 where we heat the building with waste heat from ice cream,
9 meat, and so forth, and we don't use any oil in the building.

10 So I wanted to read some of my testimony, and then I
11 wanted to follow up with a few comments.

12 I'm going to check into the zoning petition. The
13 one, under the issue of whether the suitability of the
14 prescribed site conforms to the intended use of the land. I
15 had checked on the grounds of the projected site raises a
16 genuine dispute regarding the uncertainty of the project's
17 intended capacity factor due to environmental conditions of the
18 planned site at that altitude.

19 Two primary factors of dispute are the effect on high
20 winds and the likelihood of a significant icing condition not
21 inherent at lower altitudes.

22 Two. Under the issue of whether there are
23 alternatives to achieve the same results by other means, I have
24 checked on the grounds that the Applicant has failed to conduct
25 a due diligence search for less costly alternatives that yield

1 a healthier net environmental impact.

2 Three, assurances. The Applicant fails to reference
3 the cost of an independent company to secure a bond for a
4 proposed project in order to assure the public that the project
5 will meet its projected performance promises.

6 A guarantee for use of land should reciprocate a
7 public guarantee of performance. If performance risk is low,
8 bonding cost is minimum. A higher bonding cost will put at
9 notice all parties, including the public, investors, and rate
10 payors, et cetera.

11 If bonding costs are high, then it's better to
12 address the issue of the bonding company up front. We must
13 avoid another public failure like the wood-fired plants that
14 we're all still paying for in the form of stranded costs.

15 This board has to guarantee that granting the
16 Applicant's request today does not transpire into more stranded
17 costs tomorrow.

18 The board should not advocate the free enterprise
19 bonding process over politics.

20 What I'm basically trying to get to on this is the
21 issue of whether or not the power plant can meet their
22 projections.

23 I did a calculation on numbers that they don't seem
24 to be readily making publicly available, that is, if the
25 project at \$150 million has a capacity factor of 30 percent

1 with a 20-percent carrying cost, that will produce electricity
2 at 12 cents and I say it's good.

3 If it only meets the performance factor of
4 20 percent, then the costs go up to 19 cents a kilowatt hour
5 and it makes it an ineffective product.

6 Also, concerns about the lack of sufficient
7 competition. We're basically taking the first person who comes
8 along and says, we'll give it to you. Unless -- there's no
9 best deal unless the market place says so, so right now we
10 don't have any basis of whether or not that is a good deal.

11 I bring up the possibilities of problems because it's
12 real. I know that more than anybody. In my years of research
13 and development, I model myself after Edison who once said, I
14 have not yet failed. I have only discovered 300 ways that
15 don't work.

16 The people that develop this project are
17 extraordinary people, and they still have a long ways to go, a
18 lot more failures.

19 I just want to make sure that somebody else is going
20 to assure that we don't have more stranded costs down the road.

21 The project, unlike other mature technologies, this
22 product does not have the maturity that you can rely on from an
23 experience base. In other words, another company can't come up
24 here and say, here's the demographics.

25 Time's up? Okay, thank you.

1 MR. PICONE: My name is James Picone. I'll try to be
2 brief.

3 I'm a retired dentist and pilot and I own property in
4 Eustis, and I've been kind of hanging around this area for
5 about 40 years. I know ice and propellers do not mix.

6 I heard a lot of pleading last night about our need
7 for cleaner energy, but it seems like they're preaching to the
8 choir because we're all desperate for that very need.

9 But I'd like to bring to your attention the hidden
10 energy costs that are put into a project that's designed to
11 save us energy or fossil fuel.

12 I have a relative who, living on a hill, put up a
13 windmill power generator and quite successfully for a while,
14 but then the cost of winter damage and the increasing
15 maintenance shut him down completely.

16 The point here is that wind power is a fantastic
17 alternative but in an altitude with a freezing, harsh
18 environment, the maintenance costs are dramatically increased,
19 including the increased consumption of fuel oil to get them to
20 the problems to fix it.

21 So, it said that this project is supposed to save us
22 fossil fuel, but if you considered the magnitude of the fuel
23 oil to build and reinforce roads strong enough to support the
24 heavy cement trucks and convoys of them, by the way, that will
25 build bases for these towers, these bases will have to be

1 substantial enough to support a 400-foot tower times 30.
2 That's a lot of cement to be trucked up, an enormous amount of
3 cement to be trucked up. I can't imagine how big these bases
4 are. I'm sure you know.

5 But anyway, another thing is I want to bring to your
6 attention the fragility that we talked about last night of this
7 alpine region.

8 This fragility was demonstrated to us in the early
9 90s by Hurricane Bob, and I'm sure that many of you are aware
10 of the severe land slide that occurred on the north face of
11 Crocker Mountain, and this scar is very visible today from
12 Route 27 looking south on Route 27 from Eustis.

13 I wondered what would have happened if there were any
14 wind farms up there then.

15 The cost of heavy duty road beds in this area will
16 not be cheap. We've got the technology do to it, though, the
17 investors are sure out there, and our tax dollars are there
18 with subsidies and tax credits and depreciation, so I know it
19 could be done.

20 But the question is, is it worth it? Let's look
21 ahead 10 or 15 years when the company finds the cost of
22 maintenance isn't worth to keep up the cost of maintenance
23 because of the hard winter environment. Whether they do to
24 break even by -- they can break even by placing more windmills
25 or they could abandon the sites and make it a windmill grave

1 yard.

2 It's likely the initial investors will have good
3 value for their efforts, but the real burden will be on those
4 who allowed the placement, a good idea in a very inappropriate
5 place.

6 Well, thank you.

7 THE CHAIR: John Bertl, is he here?

8 MR. BERTL: Yes.

9 THE CHAIR: I'd also like to have Carole Haas and
10 Vera Trafton will be next in line after John's done. Go ahead,
11 John.

12 MR. BERTL: Only in America can we come here with
13 such diverse opinions. Thank for listening to us. I know it's
14 been long last night and long the next three days, and I
15 apologize for the repetitiveness of some of the testimony.

16 I have some photos with me that are of a similar area
17 to the proposed site, and I want to leave them here with you.
18 This is in a place where I vacation and it's in Italy. It's
19 halfway between Viscar and Naples.

20 There are thousands of windmills, and they stretch in
21 single line on all the ridges.

22 The difference between there and here is there the
23 people were 100 percent for it. They look at this as being an
24 item of beauty, such as a Colosseum or the Eiffel Tower or
25 something like that. In addition to that, the one big

1 difference is the surrounding area gets beyond what's going to
2 happen here.

3 I don't see any reason why these windmills shouldn't
4 be installed as proposed.

5 THE CHAIR: Thank you. You can leave those with
6 Melissa and she'll see that they go into the record.

7 MS. HAAS: Hi, I'm Carroll Haas. Thank you,
8 Commissioners, for holding this hearing.

9 I submit my testimony as a Maine citizen who has
10 worked for countless hours as a volunteer and professional
11 protecting the wild and special places in Maine. I drive a
12 hybrid car and will be heating my home with bio diesel fuel
13 this winter.

14 So I've made a big personal commitment to energy
15 efficiency and understand the desire of some individuals and
16 organizations to just get going and start doing something but
17 not just anything.

18 I am extremely disappointed and concerned by the
19 notion that wind power in any place must be supported. Over
20 the past few months I have learned about the ecological
21 qualities of the Redington/Black Nubble region and the damage
22 that would be done to those qualities to build this project.
23 Clearly the project location is inappropriate.

24 Could it be that this project is an easy target for
25 support because so few of its supporters have ever been to or

1 learned about the project area?

2 The country of Denmark generates 20 percent of its
3 electricity from wind projects. I am quite sure they have
4 accomplished this without building projects 12 miles away from
5 the nearest roads, cutting new roads, 11 miles of transmission
6 lines through rocky and difficult terrain at high elevations in
7 order to get to the top of the ridgeline where they then blast
8 and pour 30-foot deep concrete turbine support buffers in
9 endangered and rare wildlife habitat.

10 Thoughtful siting criteria for wind turbine projects
11 advise locating them on already developed land close to
12 existing roads and power lines and away from remote and
13 otherwise undeveloped areas.

14 Maine needs to develop a regional recommendation for
15 places where wind should be and should not be sited rather than
16 being forced to react to proposed projects that are in the
17 location of choice and ownership of the developer.

18 There are far less environmentally vulnerable sites
19 than Redington and Black Nubble. Most would be a lot less
20 complicated and expensive to build.

21 Across the country farm land and cattle ranches have
22 provided excellent sites for wind power. They provide power
23 for the public and additional income for farmers and ranchers.

24 I have included in my printed testimony information
25 from the Union of Concerned Scientists on the success and

1 acceptance of wind projects on farm land.

2 Wind projects on farm land have been proposed for
3 Maine. Those are the projects we should be supporting, not
4 getting panicky about global warming and supporting projects we
5 will ultimately regret.

6 Devaluing the quality of special natural places,
7 underestimating construction damage, exaggerating the benefits
8 of energy development, and stressing the need for trade-offs
9 are familiar tactics used by all energy developers regardless
10 of the energy source they are developing.

11 In this case, the Redington/Black Nubble area is
12 protected from such development by Maine's Land Use Regulation
13 Commission as a mountain area protection subdistrict.

14 I strongly urge the Commission to keep it that way.

15 Thank you.

16 THE CHAIR: Vera Trafton, and then Pam Prodan and
17 Patty Silvia.

18 Go ahead, please.

19 MS. TRAFTON: Thank you for letting me speak. My
20 name is Vera Trafton. I live in Phillips, and I'm opposed to
21 the wind power proposal, which we're here to discuss.

22 As well as the Founders of Friends of the Western
23 Mountains, I've talked daily about this proposal and the
24 changes siting wind power on these mountains would bring about
25 since 2002 when we became aware of the threat to the western

1 mountains.

2 I've been struck by the deep love that local people
3 and visitors have for this area. The mountains dominate the
4 woods, lakes, streams, and towns and stand for Maine in many
5 people's minds. We treasure the quality of natural beauty and
6 the rural life, which in many ways seems unchanged from years
7 ago.

8 It's also very important to our economic well being
9 that many people seek out this area to enjoy what we're lucky
10 enough to have every day. Now the time has come for us to make
11 sure that the source of our happiness and opportunity for
12 prosperity are not spoiled.

13 It's striking to someone from Maine how cavalier
14 other states can be about some of their natural resources. I'm
15 a fly fisherman, and I've fished in some wonderful fly fishing
16 country. I've walked through sage brush and had the Grand
17 Tetons towering above me, and yet I was always aware or almost
18 always aware of what man had done to change the face of nature.

19 I don't think that people in other states, unless
20 they come here to make the comparison, can see how valuable our
21 protection of, for instance, the rivers is to what people get
22 when they are fishing or touring or living in another place.

23 Our mountains are protected above a certain height
24 by rules which LURC enforces. The reasons for these limits to
25 mountain development were worked out by people with vision and

1 the same reverence and respect for the mountains that we feel
2 today.

3 In April 1972 the first Maine Mountain Conference was
4 convened. The proceedings make wonderful reading and are a
5 stern reminder of our duty to those who trust us to preserve
6 the wild character of our mountain for future generations.

7 I would like to read you a few passages because they
8 reflect my concerns.

9 Elmer Viollette, a chairman of LURC, quoted
10 Wordsworth: Two voices are there, one is of the sea, one is of
11 the mountains. Each a mighty voice.

12 Our task as a state is to reconcile the use and
13 development of the mountains with our need and with the
14 environmental needs of the mountains themselves.

15 I'm going to have to skip because I've made this much
16 too long.

17 A professor of botany and geology at this conference
18 said, With increasing altitude on mountains, the ecosystems
19 because increasingly vulnerable to damage by man and slower to
20 recover from damage. Higher altitude ecosystems are more
21 fragile and require more protection.

22 I'll end my remarks by quoting Herbert Hartman, who
23 was also at the conference and was part of the Natural Resource
24 Council.

25 At the very least the mountains by their distinctive

1 elevation dramatically impress upon us their pledge as an
2 important feature of the natural landscape. The integrity of
3 this scene with its diversity of natural components is itself
4 in many instances reason enough for protective consideration.

5 Finally, how many of us here and how many others
6 cherish that experience of the natural world for which the
7 mountains are the saying, in inspiring views, the presence of
8 great natural forces, and tremendous spans of time, the special
9 companionship created by the sharing of these experiences,
10 which are so different than those of our daily lives, for many
11 of the mountains certainly provide health, enjoyment,
12 enrichment, and new vigor from stunted as they will be by human
13 pressures. Many of the mountain settings could become
14 monuments to our own ignorance, apathy, or greed.

15 Thank you for letting me speak to you.

16 MS. PRODAN: Good evening. My name is Pamela Prodan
17 and I live in Wilton in southern Franklin County, and I love
18 all of the mountains in Franklin County, and we're just very
19 fortunate to have what we do have here.

20 By training I'm an attorney as well as an artist and
21 author, and I wanted to make three basic points tonight, and I
22 will try to submit more detailed written testimony later.

23 First is that I believe that the court issue that the
24 Commission will grapple with in this case is the rezoning of a
25 protected mountain area, and this court issue arises because

1 there's a very land intensive project here.

2 Regardless of the purpose of development, it is
3 development and it removes a large area from a protection
4 subdistrict.

5 There are presumptions that land will not be removed
6 from a protected mountain area unless specific criteria are
7 met. It goes above the criteria of no undue adverse impact.

8 You must read the description and standard for
9 protected mountain area subdistricts to understand what I'm
10 saying. The analysis in the end has nothing to do with the
11 type of development or the benefits of the development.
12 Rather, it goes to the suitability of the resource for any
13 development, and protected mountain areas there are very few
14 uses that the district recognizes as legitimate.

15 Secondly, the issue of the site selection and the
16 process that evolved for the site selection.

17 It appears to me from what I have heard and seen in
18 the testimony that there was no alternative analysis. In short
19 what happened was the developer made a decision to obtain a
20 mountain site, and this is a site that is now owned and
21 therefore this is the site that is proposed to be developed.

22 I don't perceive that there was any regard for the
23 existing laws and regulations applicable to this piece of land
24 in a protected mountain subdistrict because they're actually
25 very strict. So I think what I'm saying is that there was not

1 an in-depth analysis at the beginning of what the impacts would
2 be.

3 For example, discussion this morning around
4 Bicknell's Thrush habitat. Comparing the impacts of this type
5 of development here with a ski area seems almost ludicrous
6 because common sense tells anybody that a ski area is not used
7 during the breeding season of the Bicknell's Thrush. Nobody
8 goes skiing in June and July. So to trying to compare the uses
9 is not common sense.

10 The third and last issue I wanted to go to tonight is
11 the view shed issue.

12 For many of us this issue is not at all about the
13 view. Personally, you may make a decision on that basis and I
14 will be thrilled, because I know you have a lot of testimony on
15 that, so I think it is something that you will be able to look
16 at in depth.

17 But reducing the experience of the mountains to many
18 of us to a view is nothing but an insult. Views are only the
19 most visible manifestations of the desecration of the
20 mountains. I'm really glad Vera read some of the quotes from
21 the Mountain Conference and I wanted to read another one.

22 This is by T. Tarpay Schulten, who was a State senator
23 at the time of the Mountain Conference.

24 The mountains have been a source of inspiration since
25 the advent of mankind. They, in some cases, have not only been

1 the seed of divinity, but they, themselves, have been
2 considered divine.

3 And he goes on to describe some of the instances.

4 I would submit that over the course of humanity it
5 has been the role of poets, great orators, from Abraham to
6 Martin Luther King, from Wordsworth to other poets to describe
7 and try to articulate what it is about mountains that provide
8 inspiration and understanding around vulnerability, as well as
9 strengths.

10 Now I ask that you please deny the petition for
11 rezoning and leave these irreplaceable and beautiful resources
12 alone.

13 Thank you.

14 THE CHAIR: Peter Arnold and Harriet Powers are the
15 next two people. Go ahead, please, Ma'am.

16 MS. SILVIA: My name is Patty Silvia and I live in
17 Rangeley where I am a teacher, an avid outdoor enthusiast, as
18 well as a registered Maine guide. I became a Maine guide
19 because of my love of nature and enthusiasm for the outdoors.
20 In my opinion there is no better place to live than in this
21 area of Maine.

22 My love of the area has to do with the remoteness,
23 natural resources, undeveloped space, and pristine environment.
24 I am lucky to be able to share my environment and knowledge
25 with other nature lovers from away who see nothing but

1 development and industry from where they come from. The
2 western mountains are one of the few places that still offer
3 what is missing for them.

4 I'm opposed to the rezoning of Redington and
5 Black Nubble. One of the official duties of the Land Use
6 Regulation Commission is to protect the property in unorganized
7 territories here in Maine.

8 LURC has a reputation for strictly enforcing the
9 regulations that are written to protect the vast lands they
10 regulate. Local folklore reiterates how far members of LURC
11 will go to make sure the laws are followed to the letter.

12 A landowner in the LURC territory called Rangeley
13 Plantation wanted to cut down a dead tree on his shorefront
14 that had become a hazard. The LURC representative refused to
15 let the landowner cut down the tree. It took intervention by
16 the property owner's insurance company to get the tree cut
17 down. The landowner was required to replant another tree in
18 its place.

19 LURC's consistencies in applying its regulations to
20 small amounts of tree cutting should carry over to significant
21 projects like this wind farm. Denial of the request to rezone
22 Redington and Black Nubble would reinforce LURC's consistency
23 in applying and enforcing its regulations.

24 Thank you.

25 THE CHAIR: Peter.

1 MR. ARNOLD: Peter Arnold. Thank you very much.
2 Thank you for letting me speak this evening.

3 I'm going to wear two hats tonight. I'm the director
4 of Pathways to Sustainable Future for the Chewonki Foundation,
5 so I'm going to put my Chewonki hat on, and then I'll speak as
6 a citizen. So I'll take this off when I'm done speaking for
7 Chewonki so as not to confuse you.

8 My job for the Chewonki Foundation is to educate all
9 of the folks that we touch with the various programs that we
10 have about the effects of global warming and to look at what
11 non fossil fuel alternative energies can be like, what their
12 installations are like, how they work, all of the ramifications
13 dealing with that.

14 As a foundation, as the Chewonki Foundation, we very
15 much appreciate the incredible hard work that this Commission
16 is doing and anticipate that your decision on this project will
17 be very well reasoned and reflect your best judgment.

18 We don't have a recommendation for you about this
19 particular site, but we are very strongly in favor of wind
20 development. We're planning our own 10-kilowatt wind power
21 demonstration down on our campus on the coast, and if this
22 project goes through and there's power available to buy, we
23 want to buy it.

24 So I'm going to change hats now and speak to you as a
25 citizen of Damariscotta who struggles daily with how to do my

1 energy business in a way that honors my intense concern about
2 global warming.

3 I've spent a lot of time up on Redington Ridge and
4 Black Nubble days, nights, summer, winter, and I decided that
5 if this was my place to lend, I would lend it to this
6 development. I would make that lend.

7 I have a recommendation and I don't know whether it
8 could be built in here somehow, but if it were my land, I would
9 lend it for a period of time -- 20, 25 years -- and then ask
10 for a reevaluation to see if whether we still need it for wind
11 power at that time. If we don't, decommission, take it away.

12 I drove up here today in a Volkswagen Jetta, and it
13 was 50 percent bio diesel, 50 percent regular diesel, so I was
14 getting 100 mile to the petroleum gallon. Pretty efficient, I
15 thought.

16 My wife told me before I left -- she has a Prius --
17 she wants to get a plug-in after-market product for her Prius
18 so she can run it as all electric if she wants to, and she
19 wants to have wind power available so we would have wind
20 powered transportation. She wanted me to tell you that story.

21 Thank you very much.

22 THE CHAIR: Thank you, Peter. Harriet Powers, and
23 following Harriet would be Jack McKee and Dave Cota. Has Basil
24 got you timed?

25 MS. POWERS: This is my own story. After 55 years I

1 do my own thing.

2 Just remember that those stars represent what I want
3 to see at night in the sky.

4 My name is Harriet Powers. I live in Coplin
5 Plantation. I was born and brought up there. I grew up there
6 without electricity and probably I'm the only one left in
7 Franklin County that still uses a wringer-type washer and hang
8 my wash on the line to dry.

9 I do not mind being called old as it was mentioned
10 last night or being called a NIMBY. This is my in my front
11 yard, not my backyard.

12 Oh beautiful for spacious skies, for amber waves of
13 grain, for purple mountains majesty, if LURC allows the change
14 for this proposal, our purple mountains majesty will be gone
15 forever.

16 If I wanted to see the bright lights at night, which
17 will be very visible from my house, I would move to Portland,
18 Scarborough, or Yarmouth. What part of "no" doesn't LURC
19 understand?

20 I would like to ask the Commission not to change the
21 zoning ordinance which is already in place.

22 Thank you for giving me this opportunity to speak my
23 opinion.

24 THE CHAIR: We're looking for Jack.

25 Okay, Jack, go ahead.

1 MR. MCKEE: Commissioner and members of the board,
2 thank you very much for holding this hearing and for listening
3 to those of us who have an interest one way or the other.

4 I am Jack McKee, and I'm a resident of the town of
5 Kingfield.

6 Our forefathers and foremothers, if you pardon the
7 expression -- fought and won a war of independence 230 years
8 ago. In my judgment, we are now at a time and place where it's
9 time to fight another war, if you want to call it that, of
10 independence. This time it's a war. It's a war of
11 independence and energy.

12 We're being held hostage by OPEC. I don't think
13 there's any question about that. Oil is going to run out. One
14 of these days there's not going to be anymore. That's the best
15 scenario because we'll have to find a solution and hopefully
16 that will give us time to find solutions.

17 The worst scenario is what's going on right now in
18 the Middle East. We could have the chaos turned into a
19 catastrophic explosion. Even while we sit here tonight, we
20 don't know what's happening over there.

21 A misplaced bomb, an airplane crashes someplace,
22 somebody gets assassinated, whatever, and that whole area would
23 explode in a catastrophic conflict, the likes of which we've
24 not seen in a long time. They shut off the oil. That will
25 force some kind of drastic action on the part of this country

1 and others.

2 The real and political climate and economic disaster
3 of the United States is beyond belief. It will make the 30s,
4 the depression days of my youth, look like a walk in the park.

5 Natural gas supply is limited, I don't know how much,
6 but we know that it's a finite thing, it's going to run out.
7 We also know that natural disasters, such as Katrina, have a
8 significant impact from what happened with natural gas as a
9 fuel.

10 Coal, limited or not, it's dirty and it's an
11 environmental poison. I grew up in the state of Pennsylvania
12 where there's a lot of coal and a lot of strip mine coal, which
13 is even worse than the deep mine stuff.

14 The case for energy independence to me is clear and
15 it's convincing. Now, we've got to have alternative sources of
16 energy. Wind power is one of those sources.

17 I firmly believe that this is a project that must go
18 forward.

19 I have six great grandchildren ages 1 to 10. If the
20 1-year-old lives to be as old as I am will be 83 years or 84
21 years old or something like that in the late 21st Century,
22 almost into the 22nd Century.

23 Now, for those six kids -- and I love them dearly as
24 you can imagine -- what will their lives be like between now
25 and that time?

1 We provide them with energy independence but we're
2 sentencing them to lives of unknown difficulties. I'm serious
3 about that. We do not know what's in the future, and if we
4 don't plan for the future, it will take care of itself, and our
5 kids and our grand kids and our great grand kids will suffer
6 because of it.

7 The lack of foresight is something this country is
8 famous for. We've given demonstration after demonstration of
9 how we wait until something gets too bad and harder to fix.

10 So I owe those kids, you owe those kids, we owe those
11 kids energy independence.

12 Will this project solve, guarantee that independence?
13 Of course not. But it's one little battle won, one more little
14 source of energy. You get enough little ones like that come
15 together, and we will have licked this problem. We can't do it
16 alone, we can't do it just right here, but we can do it with
17 unified effort across the country.

18 Some have said that you have a difficult decision.
19 I'm going to tell you folks, I don't think you do. I think
20 your decision is easy. I think it's a no brainer. I think you
21 have to approve this project.

22 Thank you very much.

23 THE CHAIR: Dave Cota. After Dave is Walter Gooley,
24 followed by Fred Huntress.

25 MR. COTA: LURC Commissioners, my name is Dave Cota.

1 I'm speaking as a resident and tax payer of Carrabassett
2 Valley.

3 I am a proponent of this project for many of the same
4 reasons that you heard last night, to prevent global warming,
5 to reduce dependence on foreign oil, sustainable renewable
6 energy, reduction of fossil fuel emissions, and beyond all
7 those issues that are very important, I also think Carrabassett
8 Valley is a big user of electricity. I think we've got an
9 obligation to try to be part of the solution.

10 I'd like to also address a couple of myths that I --
11 at least what I believe to be myths -- I listened to very
12 elegant testimony last night and I just have a couple of
13 comments.

14 In my humble opinion, there's been a lot of
15 discussion about an adverse impact on tourism. You know, I've
16 got to believe just the opposite. People are going to ski
17 Sugarloaf whether there's wind towers on Redington Pond
18 Mountain or not. In terms of hiking, I think people are going
19 to hike our beautiful mountains.

20 A couple of years ago I had the opportunity and
21 visited the windmills at Searsburg, Vermont, and at the time
22 there were bus loads of school children that were visiting that
23 site the day that I was there. It had become a tourist
24 attraction.

25 So I really do not feel that this is going to have

1 any adverse impact on tourism.

2 The other myth that I would like to discuss is that
3 all hikers are against this project. In fact, I think you
4 would be surprised that an awful lot of hikers are in favor of
5 this project because it's renewable sustainable energy.

6 I think if there was some sort of objective study
7 done, I think you would be very surprised at the results.

8 On a personal note, I am a hiker. Over 30 years ago
9 I hiked the entire Appalachian Trail from Springer Mountain,
10 Georgia to Mt. Katahdin.

11 I treasure and cherish the mountains of Maine. I've
12 lived in Maine all my life. Somewhere along the line here, if
13 we can't have increased hydro power, nuclear power is no longer
14 an option, the reality is we've got to get power from
15 somewhere.

16 Everybody drives home here tonight, they're going to
17 turn the lights on in their house -- and I'm going to be one of
18 those people -- and I think somewhere along the line we've got
19 to get some kind of an energy policy and, yes, in a perfect
20 world ten years ago we would have had a policy that says you
21 can put wind towers on this mountain and that mountain, but
22 somewhere along the line we've got to do the responsible thing.

23 You heard last night, the United States has 5 percent
24 of the world's population and uses 20, 25 percent of the
25 world's energy. There are some realities that are going to

1 have to take place here.

2 Again, as a hiker, I honestly think that over time
3 people will come to accept these towers and appreciate them for
4 what they are, for being responsible.

5 I saw the towers down in Vermont. I know they were
6 shorter towers and I understand that, but I didn't find them
7 objectionable, and I don't think over time you will find these
8 towers objectionable either.

9 I think perhaps, you know, as early as six months ago
10 if you had asked somebody where Redington Pond Range was or
11 Black Nubble Mountain, if you asked a hundred hikers in Maine
12 where they were, I would be willing to bet 99 have never heard
13 of them before.

14 So yes, these are treasured and beautiful mountains
15 and this whole area is surrounded by these mountains, and I'm
16 not in favor of putting wind towers on Bigelow Mountain or
17 Sugarloaf -- excuse me, over at Saddleback and some other areas
18 right on top of the Appalachian Trail, but I don't want us to
19 believe that this is going to be detriment to the hiking
20 experience.

21 So as a final note, I am in favor of these wind
22 power -- this wind power project and will hope that the board
23 will give it at least fair consideration.

24 Thank you.

25 THE CHAIR: Thanks, Dave. Is Walter here? Sorry,

1 Walter. Thank you.

2 MR. GOOLEY: I don't have to bring a box of candy, do
3 I? I was in the legislature, so everybody up there understands
4 what I'm talking about I think.

5 In relation to -- I'm Walter Gooley and I live in
6 Farmington. Mrs. Powers gave a very, very excellent talk.

7 I would just like to say that my wife and I have been
8 married 48 years, and we have a little GI can opener that we've
9 had for 48 years, and we have yet to purchase our first
10 electric one, so I don't know what that says. It gives good
11 wrist action.

12 Any ways, so to the Land Use Regulation Commission
13 members, thank you for the opportunity to address the issue of
14 rezoning a 1,000-acre parcel from mountain area protection
15 subdistrict to planned development subdistrict in order to
16 accommodate 30 wind turbines.

17 My name is Walter Gooley, and I live in Farmington,
18 Maine year-round. I am a professional registered forester,
19 Christmas tree grower, and served four terms as State
20 representative in Augusta, 1995 to 2002, serving on the
21 Agriculture, Conservation, and Forestry Committee.

22 Currently I am a Maine Senate candidate for
23 District 18, which includes the area of current discussion.

24 Since 1959 I have promoted proper forest management
25 in Maine and have walked more of the planned acres than most.

1 Trees are a renewable resource, and when managed correctly,
2 supplies subside with many forest products, including energy
3 for power. I have been involved with the wood biomass industry
4 from the legislative and forest management aspects.

5 Last night I listened to four and a half hours of
6 public testimony, and I was struck by the numbers of persons
7 from away who supported the proposed wind power project and the
8 local full-time residents, most who opposed the project.

9 At the same time, a number of young people -- God
10 bless them -- of high school age got up and supported the
11 proposal. I do understand where they're coming from as the
12 future will be theirs to manage.

13 I listened to citizens talk about the unique
14 qualities of the western mountains area: The clean air, peace
15 and quiet, scenic vistas, a place for solitude and outdoor
16 recreation.

17 One person said it's about the money, not pollution,
18 and I have to include tax credits there, too, I guess. Another
19 said the project will not reduce CO₂ emissions and maybe people
20 should live in smaller houses. I wonder how many air
21 conditioners were cranking last night.

22 Wal-Mart sells a 5200 BTU unit for \$86 made in, you
23 guessed it, China. It's about personal responsibility.
24 Another person said Maine has a glut of power.

25 Frankly, I fully support and promote the use of

1 renewable energy resources: Wind, water, solar, and biomass.
2 But I guess the current -- but I question the current proposal
3 and am concerned about the precedent of rezoning a protected
4 subdistrict above 2,700-foot elevation.

5 Where does it all end? It doesn't. The demand for
6 power from our society is going to keep increasing, but
7 apparently Maine is not even in the top ten states for wind
8 power.

9 California is big time in the business and I think we
10 heard that last night.

11 Maine has harsh winters. Ground frost creates
12 significant problems for towers, and there is a history of such
13 problems.

14 Our wind turbines rising 405 feet and lighted, are
15 they quiet? Who defines quiet? In decibels? Information in
16 print recently suggests that a Redington wind power facility
17 would under certain conditions displace renewable hydro and
18 biomass power from Wyman and Paris dams and from Stratton.
19 This deserves further analysis. I think this was addressed a
20 little bit this afternoon.

21 The wind power plants can add a valuable asset to our
22 power grid but need to be located in environmentally secure
23 areas. The current proposal has too many problem areas to be a
24 win/win situation.

25 Thank you very much. I would just like to add that

1 we do not own an air conditioner.

2 Thank you very much.

3 THE CHAIR: Following Fred would be John Diller and
4 Lisa Standish.

5 MR. HUNTRESS: Good evening, Commissioners. My name
6 is Fred Huntress, I live in Poland Spring, Maine. I'm a
7 consultant forester and I own woodland. One of my woodlots is
8 part of a small mountain called Rattle Snake Mountain down in
9 Casco where there is no wind power now and I hope the heck
10 there never is.

11 I'm very strongly opposed to this rezoning of
12 Redington and Wyman Township to allow wind power project on
13 Redington Pond Range and Black Nubble Mountain.

14 I've had nearly 50 years' experience in managing
15 forest lands, and I know the negative consequences of building
16 roads on mountains. I've been up on Pleasant Mountain over in
17 Bridgeton and seen what a road to a communications tower did
18 there. Maybe it wasn't as well engineered as this one would
19 be, but it was a disaster in my opinion.

20 There's an obvious reason why these mountains were
21 placed in resource protection, a PMA zone. It's taken 10,000
22 years since the last glacier receded to produce enough soil in
23 these mountains to grow a stunted fir or spruce. The roads
24 leading to the tops of these mountains would require the
25 removal of huge amounts of soil and the blasting of ledges.

1 The erosion and sedimentation of the streams will be
2 inevitable. You just can't build roads on mountains with the
3 slopes involved, and I've seen the figures which I'm sure
4 you've all seen, a tremendous amount of soil and rock that's
5 got to be moved, the blasting that's got to be done.

6 It's a fragile area. It says right in your LURC
7 handbook. Your zoning, it's a fragile area. It should be
8 protected.

9 Why should we sacrifice two mountains of Maine just
10 to provide profits for investors, most of whom are not Maine
11 residents.

12 We have already spent large sums of State, Federal,
13 and private money to acquire and protect other fragile
14 mountains, such as Bigelow, Old Spec, the Mahoosic Range, and
15 the Mt. Katahdin area. Why are Redington and Black Nubble
16 Mountains just as worthy of our protection? If this project is
17 approved, where will it end? Which mountains will be destroyed
18 next?

19 You know as well as I do, if this thing gets
20 approved, there's other. I know there's one further up in the
21 Kibby area that's being proposed. This would be the tip of the
22 ice berg. They aren't going to want just Redington and Nubble,
23 they're going to want many, many more.

24 There are alternative methods. Walt Gooley mentioned
25 one and I'll mention a little more that do not require the

1 permanent destruction of our mountains.

2 At a time when we are losing our markets for
3 pulpwood, there is a surplus of wood available for biomass fuel
4 generation plants, which have created markets for our timber
5 and provide many jobs for local people. The forest is
6 renewable with proper forest management, but the mountains are
7 not.

8 I sell timber for clients, and right now it's very
9 difficult to sell the hardwood pulp that we generate, and it's
10 going to get worse I think. We're losing pulp mills instead of
11 gaining.

12 There's biomass plants in Maine. Someone mentioned
13 that we have a lot of them that were bought out, but right now
14 as I understand it, every biomass plant is operating to
15 capacity, and there's a surplus of wood; and as a forester I
16 know we can manage this land properly.

17 I heard today about the number of jobs with a wind
18 power plant. It's insignificant compared to what a biomass
19 plant would do. It would provide markets for millions of
20 landowners and my clients to sell stumpage, and it would
21 provide jobs for loggers and all these jobs that go along with
22 the trucking industry.

23 So we can have our cake and eat it, too. We don't
24 need to destroy our mountains. The biomass plant could be
25 located down where the power lines, not way the heck up on top

1 of a mountain.

2 In my work as a professional forester, I am required
3 by the State of Maine laws to protect water quality and timber
4 harvesting operations. As a good steward of the land, I try to
5 protect habitat and wildlife.

6 On the contrary, this proposed wind power project
7 would do nothing to improve the environment. Its only goal is
8 to improve the financial situation of its promoters. This is
9 not sufficient justification to forever destroy mountains
10 you've been charged to protect with the zoning process.

11 All this talk about saving the planet and global
12 warming, that's nice but I don't think that's what we're here
13 for. We're here to try to decide whether we zone something, a
14 mountain area, which is currently being protected.

15 If you want an alternative site, maybe I could
16 suggest one. Maybe you could put these wind power things on
17 the State house roof down there. There's a heck of a lot of
18 wind and hot air being generated during the course of the
19 session.

20 Thank you.

21 THE CHAIR: Thank you, Fred. John Diller. Is John
22 here?

23 MS. HASKELL: My name is Corey Haskell, and I've been
24 asked to read a statement written by John Diller, who regrets
25 that he can't be here himself to read this to you, but I will

1 give you copies.

2 John Diller, of course, is the president of Sugarloaf
3 USA. His letters reads: Dear Commissioners, I informally
4 polled people on how they felt about the Redington wind
5 project. The most asked questions were, Why are we doing it?
6 Do we need it?

7 These are two excellent questions requiring what I
8 call big picture answers.

9 We all know there's an energy crisis in the world and
10 it is long past the time to explore alternative energy
11 resources.

12 The present high price for all types of fuel is a
13 reflection of supply and demand economics, and prices are being
14 stretched further as China and India advance their economic
15 systems.

16 Conventional electric generation in the northeast is
17 more and more dependent on natural gas. Natural gas has
18 drastically increased in price, and it's forecasted to impact
19 both commercial and residential power rates by as much as
20 30 percent this coming year alone.

21 Fossil fuel continues to be the major energy source
22 of the midwest and the major contributor to acid rain here in
23 the east.

24 The bottom line is we need more efficient and cleaner
25 energy generation, so I ask the questions: Is wind power

1 clean? Yes. Does it have a visual impact? Yes.

2 However, having seen the Equinox program in southern
3 Vermont 15 years ago, I think it is minimal. I would also add
4 that this is perhaps relegated to the eye of the beholder.

5 I have spent most of my adult life at Sugarloaf
6 looking at man-made equipment, chair lifts, and towers that
7 have blended into the landscape. Our collective need for
8 energy requires us all to make concessions and embrace change.
9 The Redington and Black Nubble ranges offer the necessary
10 geography and proximity to existing infrastructure that allows
11 us to add wind to our energy mix.

12 Change may be unwelcome as evidenced by the popular
13 retort, Not In My Backyard; but current geopolitical and
14 environmental challenges implore us to look to our collective
15 backyard in the quest for energy self sufficiency. We all will
16 be the beneficiaries.

17 I encourage you to support entrepreneurial
18 initiatives to bring wind and other clean sources of energy to
19 fruition for Maine's future.

20 Thank you for your consideration, John Diller.

21 Thank you.

22 THE CHAIR: Thank you. Lisa Standish. And after
23 Lisa would be Nancy O'Toole and Tom Lewis.

24 MS. STANDISH: Good evening, ladies and gentlemen.
25 My name is Lisa Standish and I live in Kingfield where I'm

1 developing a small farm and I own two businesses. One of them
2 is a seven-bedroom bed and breakfast, and the other one is a
3 real estate company. And I believe that both of my businesses
4 are going to be enhanced by this project.

5 I've been a member of the Appalachian Mountain Club,
6 the Audubon Society, the Sierra Club, the North Canoe Trail.
7 I'm a corporate trustee for the Trustees for Preservation,
8 which is the oldest land conservation organization in the
9 country.

10 I've been responsible for bringing over 2,000 acres
11 of farm land under conservation in South Dartmouth,
12 Massachusetts, and I'm an early graduate of the Shelter
13 Institute, which was located in Bath, Maine in the mid-70s when
14 I was a student there.

15 I come here today to speak for my grandchildren,
16 Lucy, Anna, Spencer, Mary, and Olivia. Be mindful of their
17 future and the future of all children when deciding on the
18 application of the wind farm variance request.

19 To me wind farms are beautiful symbols that represent
20 the beginning of the end to oil wars, dirty air, global
21 warming, and acid rain. I have forever been a staunch advocate
22 for the protection of our wildlife and wilderness resources.

23 I believe that all of nature will benefit from the
24 actions taken to protect our environment from the noxious and
25 luminous effects of current energy manufacturers. While I have

1 lobbied against State and community economic leakage, I care
2 not acquit that the energy created here is not to be used here.
3 My support is not about money. It is simply about development
4 of clean renewable energy resources.

5 Windmill farms are established in the midwest and the
6 west and have been for years. It is time to get on board and
7 to do our part.

8 To have this region host the start of such auspicious
9 beginnings feels like an honor and a privilege.

10 I appeal to you to approve the variance for the
11 entire project.

12 Thank you.

13 THE CHAIR: Thank you, Lisa. Nancy.

14 MS. O'TOOLE: Good evening. I am Nancy O'Toole, and
15 I'm an environmental engineer living in Phillips. I have years
16 of on-the-ground experience on road construction and hazardous
17 contamination clean-up projects. I've worked in
18 environmentally sensitive locations in mountainous country.

19 My primary concern is the proposed zone change in the
20 high elevation of Maine mountains. These areas are presently
21 protected from all development. Your predecessors did their
22 research and decided that it was in Maine and New England's
23 best interests to place these fragile places off limits and to
24 preserve them as they are.

25 Make no mistake, if you relax your protection of a

1 specific location, it is just a matter of time before you're
2 pressured to open another and then another and then another.

3 With respect to this proposed project, my experience
4 has shown me that large-scale projects such as this one require
5 thorough feasibility analysis. This includes soil testing,
6 hydrological evaluation, environmental impact statements, and
7 an extensive detailed comprehensive project design plan.

8 Once all of this has been completed, a realistic cost
9 in time and dollars for the proposed project can be made.

10 The pros and cons of its value to the area's economy
11 can then be evaluated. The lack of a complete repertory
12 investigation and a design that has passed professional review
13 in the engineering, construction, and environmental protection
14 community makes this project a completely loose cannon.

15 After reviewing Mr. Lee's materials, only the tiniest
16 fraction of my questions concerning order of operations, actual
17 disposal of rock material, and the true costs of the project
18 have been adequately addressed.

19 Furthermore, water issues, erosion control, and air
20 quality during construction must be addressed before any
21 permits are issued or exceptions to current regulations are
22 made.

23 In my experience even the most well prepared projects
24 have potential to go badly astray. In this current non
25 specific state, this proposal will result in a project that is

1 guaranteed to be plagued with environmental tragedy, safety
2 nightmares, and probably cost in time overruns of epic
3 proportion. If we know all of the details, we can make
4 informed judgments on whether the long-term impacts on the area
5 are acceptable.

6 Until we have a fully engineered plan, we only have a
7 series of toolbox responses to whatever conditions the project
8 might encounter. This is not the way successful projects are
9 designed and carried out.

10 Another windmill project I'm familiar with is not
11 placed on alpine summits or the most sensitive protected areas
12 to be found. The wind farm near Great Falls, Montana is
13 located on the low bearing ridge, not in Glacier National Park.

14 If this sensitive and challenging location is the
15 only place in which electricity can be generated from wind
16 power, perhaps our part of Maine is not suitable for this
17 endeavor. If this is indeed the best location for this
18 project, then Maine Mountain Power should be required to
19 complete all of the analysis and design work prior to asking
20 for this zone change.

21 Thank you.

22 THE CHAIR: Thank you. Tom Lewis. And following Tom
23 would be Dean Bennett and Sheila Bennett, if they're both going
24 to speak.

25 MR. LEWIS: My name is Tom Lewis. I'm president of

1 the Maine Appalachian Trail Land Trust. On behalf of our board
2 of directors I want to express our strong opposition to rezone
3 this land and build wind power.

4 THE CHAIR: Tom, excuse me, he's not associated with
5 anything you're doing, Bill, is that true?

6 MR. PLOUFFE: No. He's not an intervenor.

7 THE CHAIR: I just wanted to make sure you're not an
8 intervenor.

9 MR. LEWIS: I'm not an intervenor.

10 THE CHAIR: Okay, that's all I need to know.

11 MR. LEWIS: I'm also speaking on behalf of myself and
12 many friends and colleagues who volunteer thousands of hours
13 each year in building and maintaining trails in these
14 mountains, clearing blow downs, constructing camp sites and
15 lean-tos, maintaining boundaries, counting birds, and
16 monitoring wildlife, and raising the money needed each year to
17 protect and care for this wonderful mountainous region.

18 Our land trust recently acquired 2,3000 acres in
19 these mountains. It finally included the summit ridge of
20 Mt. Abraham, which is one of the state's most highly prized
21 mountains.

22 Title to the Abraham land is now held by the State.
23 This effort, with support from the State and others, has
24 resulted in protection of over 6,000 acres over the past few
25 years and has involved significant public and private money in

1 investment. The Land for Maine's Future program has been a
2 major contributor.

3 There is broad support for land conservation in this
4 region, and we will continue to work with the State, with
5 landowners, and with others as we move forward to protect more
6 of this land.

7 These mountains are an icon to many, even spiritual
8 to some. An individual from the midwest who made a major
9 contribution to our Abraham campaign wrote, In June and July of
10 1978 I hiked all of the Appalachian Trail in Maine. That hike
11 was one of the high points of my life and one of the high
12 points of the trail was Saddleback and its surrounding
13 mountains.

14 To help make that experience at once moving,
15 spiritual, and physical open to generations, I am making an
16 anonymous donation to the Western Mountain Campaign. This
17 donation is made in memory of my sweet wife. She was not
18 herself a hiker but she loved listening to my stories, and I
19 believe that this donation in her memory would warm her spirit.

20 This remote and undeveloped high mountain region is a
21 beautiful and special place in Maine and is not appropriate for
22 this development.

23 As a private housing developer in Maine, I'm keenly
24 aware of the issues of sprawl and inappropriate development
25 that plague our state. It has been disappointing to see

1 positions taken by opposition and in the public supporting wind
2 power on Redington, while dismissing the siting issues, which
3 should be at the center of this discussion.

4 Anyone who has taken a careful and objective look at
5 the Redington and Black Nubble proposal from a land use
6 perspective has concluded that this is the wrong site for an
7 industrial wind power plant.

8 The local developer of this project is not
9 experienced in this scale of development or in any other
10 development as far as I can see. This lack of experience is
11 very troubling for me, particularly for a project that has this
12 much impact on the land. He's been urged by many over the
13 years to consider an alternative site.

14 Major development of this type in the middle of one
15 of the state's most spectacular and undeveloped mountain
16 regions is absurd and runs against recent efforts in Maine to
17 control this type of inappropriate development.

18 Contrary to assertions by the developer, there are
19 other sites in the state and in the region that are far more
20 significant.

21 For the investor, Edison Mission Energy, the site
22 doesn't matter. They have no connections to this place other
23 than the desire to get a reasonable return on their investment,
24 which is assured through Federal tax credits.

25 It should be noted that Edison owns or leases six

1 coal-fired power plants in Illinois, a coal-fired plant in
2 Pennsylvania, and they're building one in West Virginia.
3 Edison appears to see little risk that this investment in
4 Redington will displace in any way the coal plants in the
5 midwest.

6 The solutions to clean air are complex, and we need
7 more than symbols. Maine cannot do this all by itself. We
8 already can see our renewable standard by a large margin.

9 The future of wind does not hang in the balance over
10 Redington and Black Nubble. There's a lot at stake here, and
11 we have to get a grip on this before we destroy some very
12 special places.

13 MR. WIGHT: Half a minute.

14 MR. LEWIS: Unfortunately what is missing is a
15 carefully considered policy for siting wind power projects in
16 the state. Hopefully the recent rash of wind power proposals
17 will result in a policy establishing which sites are suitable
18 and which are not.

19 It is certain to many who work on this issue that if
20 siting policy had been developed, it would have ruled out
21 Redington and Black Nubble.

22 The policy to guide the siting of renewable energy
23 production can be found in the Maine Rivers Act. This
24 legislation declared that certain rivers, because of their
25 unparalleled natural and recreational values, provide

1 irreplaceable social and economic benefits to the people in
2 their existing state.

3 Many mountains -- am I done?

4 MR. WIGHT: Yes. Thank you.

5 MR. BENNETT: Mr. Chairman, members of the
6 Commission, my name is Dean Bennett from Mt. Vernon, Maine.

7 I speak in opposition of the application for
8 development of the Redington Wind Farm but not in opposition to
9 wind power, per se.

10 I could use a rational approach to try to convince
11 you that this is a bad idea. In 1988 I wrote a book, Maine's
12 Natural Heritage. It included sections that spoke in
13 scientific terms of features that could be harmed by this
14 development.

15 It might interest you to know that I didn't initiate
16 this book, the State did, as a way of educating the public
17 about what is unusual, rare, and unique concerning Maine's
18 natural environment.

19 I worked under a contract signed by the attorney
20 general at the State planning office. You will hear from
21 others much of the rationale presented in this book for
22 protection of this area.

23 I could review with you how I worked with the
24 committee of the Maine Appalachian Trail Land Trust, of which I
25 was a founding member, to identify the natural values along the

1 281 miles of the trail in Maine. This mountainous area of the
2 Appalachian Trail clearly emerged as the area of highest
3 priority for our land acquisition and protection efforts.
4 Others will be more specific about our group's findings.

5 I could also argue that making this decision is
6 premature because the alternatives are not clear during a time
7 when you're putting in place factors to consider for siting
8 wind power projects and during the time when technological
9 advances are suggesting that we keep an eye on other sources
10 that might be less obtrusive, such as tidal power or lower
11 elevation wind power facilities.

12 Rather than go into these arguments, I'm going to
13 speak from the heart as one who was born and grew up in Lock
14 Mills in the hill town of Greenwood, Maine, 50 miles to the
15 southwest from here, and for 71 years I've had a love affair
16 with this state.

17 Across the street from my childhood home sits a large
18 wood turning mill, in which members of my family were workers.
19 These relatives felt an attraction to the Maine landscape, and
20 they conveyed that feeling to me.

21 Over the years, however, I have seen a whittling away
22 of the qualities of natural beauty, peace, quiet solitude,
23 remoteness, challenge, and clean air and water that we have too
24 often taken for granted.

25 With this has come a rising concern over the future

1 of our state's environmental quality, including the natural
2 character of this landscape. Never before are we in need of
3 opening our eyes and seeing clearly what we have, the threats
4 to what we cherish and the direction we must take to protect
5 these values.

6 The Redington/Black Nubble wind power development
7 must be denied because it doesn't meet your criteria for
8 protection, it is proposed for a location that is without
9 question a place containing many of the highest values of
10 Maine's natural heritage, and in the big scheme of Maine's
11 energy future, this potential site for wind power generation is
12 trumped by other values that relate to Maine as a special place
13 for life and living.

14 Before we embark on the course of destroying the
15 beauty of our mountains, it may serve us well to return to the
16 wise counsel of Robert W. Patterson, a founder and former
17 president of the Natural Resource Council of Maine.

18 Speaking at the first Maine Mountain Conference in
19 1972 on the protection of our mountains, he observed that,
20 "When beauty and nature are endangered, we find ourselves
21 usually listening not to the philosophers but to the chambers
22 of commerce. We are ashamed or afraid to stand up and say much
23 of Maine should be left alone just because it is unique,
24 irreplaceable, and incomparably beautiful."

25 Thank you.

1 THE CHAIR: Following Sheila is Chuck Knox. Bob
2 Cummings.

3 MS. BENNETT: I'm Sheila Bennett. I live in
4 Mt. Vernon, Maine. Yes, I am the wife of Dean. We fruitfully
5 agree on the issues but connect them a little differently and
6 this is my take on the present issue before you.

7 I am opposed to the request to the change in the
8 zoning of Redington and Black Nubble mountains from mountain
9 area protection to a planned development district.

10 I want to be clear that I am here in opposition to
11 the zoning change, not in opposition to wind power.

12 If some other project were in need of a change from
13 mountain area protection, I would oppose it as well.

14 First, much has been made of the need for industries
15 to have predictability in order to plan and remain viable.
16 Industries in Maine's wild lands can find predictability by way
17 of the zoning set out in the Commission's comprehensive land
18 use plan.

19 Here areas are identified that are appropriate for
20 protection and others that are appropriate for development.

21 Besides industries such as forest products, tourism,
22 recreation, and energy, there are organizations that depend on
23 predictability. Some are interested in the protection of
24 certain areas and rely on predictability to know where to focus
25 their intention. As a result, there are significant efforts

1 under way to acquire and protect the high peaks in the area
2 under consideration.

3 As an example of this effort is the purchase and
4 protection of Mt. Abraham.

5 Secondly, there needs to be recognition of the effort
6 and expertise that led to the inclusion of Redington and
7 Black Nubble in the mountain area protection zone district.

8 Since the purpose of the zoning of an area marked PMA
9 is to -- and I quote -- "Regulate certain land use activities
10 in mountain areas in order to preserve the natural equilibrium
11 of vegetation, geology, slope, soil, and climate in order to
12 reduce danger to public health and safety posed by unstable
13 mountain areas, to protect water quality, and to preserve
14 mountain areas for their scenic values and recreational
15 opportunities, the change to a development designation ignores
16 the values originally identified."

17 There should be great reluctance to go against the
18 recommendations that led to the mountain area protection
19 designation no matter the kind of development.

20 Finally, I urge the Commission to acknowledge the
21 importance of the present zoning, recognize why Redington and
22 Black Nubble were included in a protection district, and not be
23 distracted by the debate over energy alternatives. In other
24 words, stay the course. Provide the predictability. Protect
25 the natural resources that have already been identified.

1 Thank you.

2 THE CHAIR: Chuck Knox.

3 MR. KNOX: My name is Chuck Knox and I'm here
4 representing no group or organization, just myself. My wife
5 and I live in Coutoonook, New Hampshire, and we are property
6 owners and tax payers in Adamstown Township, not too far away.

7 As a boy I grew to love the mountains of western
8 Maine starting in 1940s, and as a man I still treasure those
9 mountains.

10 Over the years I've worked in a number of different
11 capacities in the natural resources and environmental field.
12 That includes 21 years working for the State of New Hampshire's
13 environmental agency dealing with air, water, and waste
14 management issues. I've also worked for conservation
15 organizations, and I've also worked in industries, specifically
16 for a mining company in the Pacific northwest working, as a
17 land agent in Washington and Montana.

18 So I think I bring to the topic a broad perspective
19 and I see all sides of it. I think, thought, that without a
20 doubt -- in my mind at least for this particular site -- I ask
21 that you not go forward with this proposal.

22 I would like to read a brief statement into the
23 record.

24 The mountains of northwestern Maine are unique. As
25 someone who has known and loved this remote high country for

1 over 50 years and as someone who has also lived in many other
2 regions, too -- including California, Colorado, Washington
3 state, Ohio, New York, and other parts of Maine -- I recognize
4 and appreciate that there are few places like this anywhere,
5 certainly east of the Mississippi.

6 The proposed industrial structures high upon the
7 ridgelines of these mountains as proposed would intrude
8 immeasurably upon this special area.

9 People have been drawn to this region for a century
10 or more not to view man-made structures -- industrial
11 structures in this case -- but to savor the remote vastness and
12 scenic qualities that our region affords.

13 Therefore, keeping the scenery as is, as much as
14 possible at least, will in the long term provide the greatest
15 economic benefit for this scenery dependent region.

16 However, were the proposed towers and blades to sit
17 atop these high ridges, they would draw the eye from far and
18 wide. They would be visible from enumerable peaks for
19 countless miles across Maine, as well as from key vista areas
20 along several well travelled highway routes both day and night.

21 Not only Saddleback and Sugarloaf would these
22 windmills be seen from but also Bald and also Bigelow, also
23 Abrams, also the high peaks of the Mahoosics, from Old Spec and
24 Bald Plate, perhaps even as far away as the Presidentials over
25 in New Hampshire.

1 But fortunately the Maine Land Use Regulation
2 Commission has adopted regulatory measures designed to help
3 protect the integrity of northern Maine. I applaud the
4 Commission's foresight to adopt with strong support from the
5 public elevation-based and scenery oriented requirements.

6 I would also strongly urge the Commission to uphold
7 these requirements in its decision making regarding this
8 proposal, including LURC Chapter 10-E, scenic character.

9 The significant height of the towers and blades,
10 along with their movement, reflection, and great numbers,
11 coupled with their positioning along the length of the high
12 mountain ridgelines, is certainly not in keeping with these
13 standards.

14 The standards rightfully require that structures
15 shall be designed to, "minimize visual impact" and to ensure
16 placement and locations least likely to block or interrupt
17 scenic views.

18 This is certainly not going to be the least likely to
19 block scenic views in this situation nor is this proposal
20 consistent with the accompanying LURC standard for elevated
21 ridges, a standard which requires the design of a development
22 shall preserve the natural character of the ridgeline.

23 In short, while industrial alternate energy sources
24 have their place in many locations, this is not one of them.
25 Maine's precious northwest mountain country, a wonderful draw

1 for tourists, as well as a special home for local residents,
2 should be the last place to site industrial, highly visible
3 structures, structures which I might add are visible from well
4 travelled highways, specifically Route 16, Route 27, Route 142,
5 and one of my favorite drives is along Route 4 from Oquossoc to
6 Rangeley.

7 We all need aesthetics in our lives. Even for a
8 flickering moment -- as I drive, at least, that route from
9 Oquossoc to Rangeley -- and come over a ridge and I see before
10 me stretch something that few people really know or get to
11 enjoy, and that is the mountain ridgelines of Beaver Mountain,
12 Saddleback. In the far distance on clear days you can see
13 Bigelow, and right in the front -- right in front of you -- is,
14 of course, the two mountains we're talking about, Black Nubble
15 and Redington Ridge.

16 And to site these structures right on top of them you
17 would literally have them right in your face, no question about
18 it.

19 So in short -- moreover, to exempt these facilities
20 from meeting the LURC standard would surely establish a
21 precedent that would likely have far reaching consequences for
22 any future proposals elsewhere throughout Maine's mountain
23 country.

24 Thank you for your consideration of my comments and I
25 wish you well in your deliberations.

1 THE CHAIR: Following Bob Cummings I'm looking for
2 David Hodgkins and Governor King.

3 MR. CUMMINGS: My name is Bob Cummings. I live in
4 Phippsburg. I'm speaking in opposition of this project.

5 I've been involved with Maine trails for at least 20
6 years. More than 30 years I've been involved in the design and
7 building of a couple of solar energy efficient houses. I
8 participated in and designed the energy systems and the
9 insulation for a 1862 Town Hall, which I suspect is one of the
10 few 19th Century super insulated buildings in the world.

11 First some basics. I believe the global warming
12 threat is both real and serious. We need both increased
13 conservation and alternative sources of energy to avoid a
14 likely global disaster.

15 I don't think that we should severely -- I'm sorry
16 I'm shaking. I just got out of the hospital, but I'm going to
17 finish -- we should severely damage -- I don't believe we
18 should severely damage the mountains of Maine. We especially
19 don't need to support every wind project in the mountains of
20 Maine where developers think they can make a profit.

21 These high peaks, the cluster of 4,000 summits
22 surrounding the project, are the jewels of inland Maine. Were
23 it not for the beauty of the coast, these mountains would have
24 been preserved long ago.

25 Sadly, Maine has not -- has lacked to call attention

1 to the unique ecological and potential economic value of these
2 mountains.

3 My wife and I last summer spent seven weeks visiting
4 the northern National Parks, and many of the State Parks
5 between here and Olympia, Washington. We visited the
6 Adirondacks, Indiana Dunes, Grand Tetons, Yellowstone, Glacier,
7 the Cascades, Olympia, and continued and came home through
8 Canada.

9 As we worked our way west, I began to realize that
10 these high peak regions of Maine were equal to or exceeded all
11 the parks we visited.

12 Desecrating this region would be the equivalent of
13 placing wind towers next to Old Faithful in the high mountain
14 meadows of Yosemite or amongst the receding glaziers of Glazier
15 National Park.

16 Maine mountains have a different beauty from those
17 than the barren mountains of the west but not an inferior
18 beauty.

19 By world standards we live in a northern rain forest.
20 There is nothing like Maine anywhere else in this nation. Know
21 this from personal observation.

22 A few years back I went and took the train to Georgia
23 from Boston and walked back home on the Appalachian Trail. In
24 talks with what I observed and in talks with others, they all
25 thought of Maine as a wildest and most remote section of the

1 entire trail.

2 This project will serve as changing what is now one
3 of the least developed viewsheds on the entire 2,175 miles of
4 the Appalachian Trail to the most developed viewsheds of that
5 trail. It will change the nature of these mountains totally
6 and no power on earth can stop it.

7 I would like to say just briefly about the pictures
8 on the wall about the so-called photo simulations.

9 Whether these simulations are accurate or not, they
10 are not a -- they do not show what the human mind and the human
11 eye will see from these projects. I know this is so because I
12 know how the mind and the eyes work.

13 But just by happenstance from my house, which is on
14 the Kennebec River, an estuary, just a mile away the distance
15 of the first tower from the Appalachian Trail is an 80-foot
16 church steeple. Everybody who comes in and looks out my living
17 room window is amazed at the beauty of that scene. That church
18 steeple, 80 feet high, dominates the view because that's what
19 the human mind sees.

20 I can assure you that nothing, nothing that will -- I
21 can assure you that something five times higher will be far
22 more visible all through this area than anything those pictures
23 on the wall show.

24 Thanks for listening.

25 THE CHAIR: Dave Hodgkins.

1 MR. HODGKINS: I'm Dave Hodgkins. I'm from Walpole,
2 Mass. I guess I might be the only second out-of-state that has
3 the opportunity to address the Commission and I really
4 appreciate that opportunity.

5 I'm a maintainer and a monitor of the boundary of the
6 Appalachian Trail over in the Elephant Mountain area, and you
7 might wonder how come I am willing to come up from
8 Massachusetts three or four times a year to clear blow-downs
9 and that sort of thing.

10 It goes back a ways. I developed a love for Maine
11 because my dad was from Eastport and we used to spend summers
12 in the Ellsworth area.

13 I graduated from engineering from Orono, and I've
14 taken boys' groups down the Allagash and the St. John's River
15 and up Katahdin and that sort of thing, hunting, and fishing in
16 Maine. Needless to say that gave me a real love for Maine.

17 I think the part that I love the most, though, which
18 you're most interested in, is the unorganized townships, and I
19 felt I had to leave Maine to make a living, which maybe wasn't
20 right. I was in the electronic industry in the Massachusetts
21 area, but I was never comfortable trying to get into the woods
22 down there. I always wanted to get back to Maine.

23 Many people like the Moosehead area and the Allagash
24 area and that sort of thing, but that is -- to me that was just
25 too far away, so I started concentrating on the western Maine

1 area.

2 I was very fortunate. I put an application into
3 LURC, and I got a permit to build a camp over on Richardson
4 Lake in 1974.

5 We hauled the wood up from South Arm before the road
6 was put in and built a camp up there with the help of a friend
7 of mine from up in the Stockholm, Maine area that worked for
8 the Bangor and Aroostook Railroad.

9 It was a disappointment when roads got put in there
10 before I got a chance to really tramp around the woods there.
11 But I appreciate what LURC's doing. I was glad to be able to
12 go through the processing and get the soil scientists in and do
13 what I had to do to be able to have a camp in that area.

14 There's a lot of other folks from out of state that
15 love this area because of the natural resources that are here,
16 and I've been thinking about the fact that what kind of a
17 compromise could we have that would help the local economy and
18 at the same time preserve the beauty of the area.

19 One compromise which I thought was very insightful
20 was the compromise that New England Forestry Foundation came up
21 with to promote for the Pingree family a conservation easement,
22 and the nice thing about that was the woods product people
23 could still make a living, not a one-shot deal in the arm, but
24 continued jobs for many years to come.

25 If we carry that one step farther, what we might find

1 is to help the local economy go into the business of taking
2 these wood chips and everything and use them to generate power.

3 I don't know if you are familiar with the Northern
4 Woodlands magazine, but they had a great article in there just
5 recently about Vermont. Burlington has a wood plant but a lot
6 of the local schools and smaller organizations are putting in
7 wood-fired, either power or maybe it's just for heating, and
8 it's become very efficient.

9 With all the limbs and things that are left over from
10 the pulp industry and that sort of thing, I would think there
11 would be jobs that could go in quite a while. I do see -- in
12 the Andover area, I do see trucks pulling out with a lot of
13 chips, which maybe they're going to some of these --

14 MR. WIGHT: You need to finish up.

15 MR. HODGKINS: -- biomass places.

16 I'll finish up also with hydro. Hydro is a great
17 renewable thing. I notice on Flagstaff, like you've got a big
18 lake, there you've got a dam, but I don't think there's any
19 hydro there.

20 On Richardson Lake we have a little dam and maybe
21 that could be hydro. It is owned by Florida Power. But I
22 don't think they're as obtrusive as something up in the air
23 that's in your face.

24 Thank you.

25 THE CHAIR: Thank you. Governor King.

1 FORMER GOVERNOR KING: Thank you, I'm delighted to be
2 here. I'm here as a citizen tonight. I came up from Brunswick
3 this afternoon.

4 Is Fred still here? Fred, the State House is in fact
5 heated entirely by hot air. I can verify that, and rumors,
6 rumors also are an energy source.

7 Before I begin, a bit of full disclosure. I am
8 affiliated in my title of "Of Counsel" to a law firm in
9 Portland called Bernstein Shur, which is involved in this
10 project on behalf of the Applicant.

11 Of Counsel means you have an office, you're there
12 occasionally, but if you attempt to draft a will, an alarm bell
13 goes off in a senior partner's office.

14 But seriously, because of my feeling about this
15 project, I have refrained from any conversation with either the
16 Applicant or the counsel that's working on this. I told them
17 all I wanted to know was when the hearing was. I'm in no way
18 representing the Applicant.

19 I'm here really because of two promises: The first I
20 made almost exactly five years ago when meeting with my
21 colleagues from the six New England states and the five eastern
22 Canadian provinces.

23 That promise involved an aggressive real change
24 making process of dealing with the issue of global warming.

25 We committed ourselves at our meeting together that

1 summer to begin a process of dealing with this issue.

2 I think this case that's before you now presents a
3 classic example of a particularized burden and a generalized
4 benefit.

5 This is not a typical application that involves
6 economics on one side and environmental concerns on the other.
7 In my view, this is an environmental project and that's why I'm
8 here.

9 It's the same as taking 25,000 automobiles off the
10 roads. It's 260 million kilowatt hours a year, enough to keep
11 all the city with light, provide electricity to all the houses
12 in the city of Portland.

13 I worked in the area of electricity conservation. My
14 project that we developed here in Maine in the early to mid
15 '90s was at that time -- and I think still is -- the largest
16 single energy conservation project in the history of the state
17 of Maine and one of the largest in the country. That project
18 involved 48 million kilowatt hours.

19 So we're talking about five times the energy
20 displacement, if you will, because of this project. This is
21 not an insignificant contribution in the fight for energy
22 independence and against global warming.

23 All energy projects have impacts. I had to be amused
24 when the prior speaker talked about hydro, because I've been in
25 rooms just like this with just as many angry people advocating

1 hydro projects in the state of Maine. That was in a former
2 life.

3 So there are impacts to any energy project, and I
4 think if you compare the impacts of this project to others,
5 they compare favorably. There is no such thing as a free
6 lunch.

7 The second promise that brought me here tonight is
8 one I made 36 years ago this week to a little boy born in the
9 Skowhegan hospital, my oldest child, and the promise was that I
10 was going to do everything I could to hand the earth off to him
11 in better shape than I found it.

12 I think a project like this really puts us in the
13 cross hairs of history where we have to decide are we willing
14 to accept some inconvenience, some change, some undeniable
15 impacts that may not be desirable in exchange for trying to
16 change our course of history in terms of the burning of fossil
17 fuel.

18 Unfortunately over the past ten years New England has
19 made what I consider a bad debt, and that is to go so
20 thoroughly and so deeply into natural gas as the energy source
21 of choice. We've learned that that has both environmental and
22 economic dangers.

23 This project, once it's built, is essentially free.
24 There's no fuel costs for the next 20 or 30 years. And it will
25 help to stabilize rates in a region in an area of the state and

1 in our state and in New England where energy and energy
2 independence is a very precious commodity.

3 So I'm here, as I said, because of two promises.
4 This is not an easy decision, and I don't minimize the
5 heartfelt testimony that you've heard tonight. I've hiked in
6 these mountains with Bob Cummings. I value the mountains. I
7 value the views. I value the unspoiled nature.

8 But I also value the lives of our people and the
9 environmental impacts of our continued obstinate excessive
10 reliance on fossil fuel.

11 If we're going to stop, we're going to have to make
12 some changes and perhaps even some sacrifices, and I think this
13 project gives us an opportunity to make statement.

14 Yes, we'll see the windmills, but when I see them
15 from the top of this mountain, they'll say to me, we, in the
16 state of Maine, are doing something real to deal with one of
17 the single issues of our generation.

18 Thank you.

19 THE CHAIR: Governor King, you subject yourself to
20 questions when you come before us, and the Attorney General
21 apparently has a question.

22 FORMER GOVERNOR KING: Yes, sir.

23 MR. PIDOT: I'll call you Angus because I did before
24 you were governor and you're not governor anymore, although I
25 hope you are once more in the future.

1 FORMER GOVERNOR KING: No, I think I gave up that
2 opportunity tonight.

3 MR. PIDOT: Three times in the last two years I
4 think, but one day I'm hoping to prevail. Maybe when your kids
5 get a little older.

6 I'm also asking you this question because on a number
7 of occasions when you were governor you grilled me with
8 questions. I just have one for you. It's a rather long one.

9 You're not only a past governor and of course a
10 greatly dignified man, but also you're a lawyer, as I am, and
11 so as I listen to you and many this evening and many today and
12 for the time I was here last night, many then, I have to think
13 that to this Commission this is not about global warming.

14 It isn't about wind power, it isn't about alternative
15 energy, it isn't about energy independence. It isn't about
16 acid rain. It isn't even about the majesty of mountains.

17 It's about this Commission, whether this proposed
18 project meets the Commission's legal requirements as set forth
19 in its regulations that were approved by the legislature as
20 they must be and its comprehensive plan as approved by you.

21 So wouldn't you agree with me that that's really what
22 the Commission should be focusing on in the legal sense as
23 against the very important, much more important to the world
24 and even to me, issues that you and others have talked about.
25 In the legal sense, the decision is guided by the law.

1 FORMER GOVERNOR KING: That's right. I agree
2 completely, and as I understand the legal standard, the key
3 phrase in this whole proceeding is undue adverse impact or
4 undue adverse effect, and I think that's a very powerful
5 phrase.

6 I would point out that legally the legislature knows
7 how to say no adverse effect. In fact, the Rivers Bill, which
8 has been mentioned tonight, says that in certain places for
9 protected areas where it's essentially zero impact standard.

10 No undue adverse impact is a different standard, and
11 to me the word, the key word, is undue, and that's where you
12 get to talk about global warming because it implies -- what it
13 implies is a balancing test between what are the impacts.

14 And I would argue, what if this project were
15 advocated by a nonprofit organization that wanted to do
16 something about global warming? This could be portrayed as an
17 entirely environmental project because of its removal of fossil
18 fuels, and therefore the impact is not undue because there are
19 positive impacts environmentally in other parts of the state
20 and indeed in this area.

21 So if the standard is no undue or no undue adverse
22 impact, I think that's exactly what the discussion has to turn
23 on; but I think the factors that have been brought forth both
24 by the proponents and the opponents -- the majesty of the
25 mountains, the unspoiled nature of the trail, and also the

1 impact on the air and water and lives that we live -- are
2 perfectly relevant and important in weighing that legal
3 decision.

4 MR. PIDOT: I completely agree with you, Governor --
5 or Angus -- but there are in fact about a dozen standards that
6 this proposal has to meet, not just the one you mentioned.

7 We can talk about that later if you want.

8 FORMER GOVERNOR KING: Thank you. Thank you very
9 much.

10 THE CHAIR: We are going to take a little break for
11 the benefit of our court reporter. Five minutes, and we're
12 going to start back up with Terry Tesseo and Dick Fecteau will
13 be the next two people. Please come down front and get ready.

14 Thank you.

15 (There was a break in the hearing at 7:59 p.m. and
16 the hearing resumed at 8:07 p.m.)

17 THE CHAIR: I missed Kyle Duckworth. I'll let him go
18 first.

19 Are you Kyle? Terry, there's one fellow that I
20 missed. Could you just take a seat, please, and I'll get right
21 to you.

22 Where is Kyle? Come on down.

23 Go ahead. Folks, please, if you want to talk, go out
24 to the lobby, please. Either that or sit down.

25 Folks in the back of the room, either sit down and be

1 quiet or go out in the lobby and talk. One or the other,
2 please.

3 MR. DUCKWORTH: I want to thank the Commission for
4 being here tonight taking the time to hear all of our views.

5 My name is Kyle Duckworth. I'm from Bar Harbor. I
6 consider myself an environmentalist and realist. I'm not
7 affiliated with anyone in particular, although I did have the
8 pleasure of meeting Harvey Lee once about seven or eight years
9 ago.

10 The first thing I would like to address is some of
11 the talk that I heard about the big bad energy developer coming
12 in to ruin our scenery and steal our land and take the money
13 back to California.

14 This project is the brain child of a man named Harley
15 Lee who is a resident of Maine, and his motives for doing this
16 are pure.

17 He's a visionary who started a small company over a
18 decade ago to realize his dream of seeing clean renewable
19 power. He named his company Endless Energy Corporation.

20 Now, I feel confident that whatever reasons he had to
21 align himself with an out-of-state corporation were good ones,
22 and you've got to admit that \$150 million is a lot of money for
23 one little guy to come up with.

24 The second point that I would like to talk about is
25 the opposition of the project by some of the environmental

1 organizations. I came here tonight prepared to use the "H"
2 word, but after hearing a lot of heartfelt testimony from
3 people opposed to this project, I don't think I'll use that
4 word.

5 But I will ask folks who feel that way to step back
6 and take a look at the bigger picture of things, the bigger
7 picture of -- and I don't think it's a stretch to call our
8 current situation a crisis.

9 Anybody's who's bothered to read the facts about
10 global warming would have found the evidence to be compelling
11 and overwhelming, and we have been getting away with an
12 unsustainable energy policy for a long time; but the day of
13 reckoning is coming up pretty quick. I heard a number of
14 people talked about their concern for their grandchildren, and
15 that's the kind of concern that we need to have.

16 I've heard some folks talk about biomass as an
17 alternative. Biomass is burning. Burning produces carbon
18 dioxide, and that's the greenhouse gas that we're worried
19 about.

20 So to address this huge problem that we're faced with
21 these days is going to require a change in the way we live, a
22 change in the way we think, and a change in what we consider is
23 important.

24 Everybody here, everybody around the country, is
25 going to have to give something up. They're going to have to

1 make some sacrifices if we're to change our future.

2 Here in Maine we're being asked to sacrifice a view.
3 We can talk about all the other factors that we've talked about
4 tonight, but basically we're talking about a view. What has
5 disappointed me is that people who in other ways would call
6 themselves environmentalists are unwilling to walk the walk
7 when it comes time to walk the walk.

8 I think it requires a new way of thinking where we
9 put our own personal wishes aside for the good of all.

10 I think that this is an opportunity for us rather
11 than a problem. It's a chance for us to participate in a
12 project that can demonstrate -- help to demonstrate the
13 practicality of wind power. It will serve to show all those
14 people out there in the country, in the northeast, who want to
15 do the right thing who are just looking for someone to show
16 them and lead the way, and we can be part of that.

17 By saying that we are unable to make a sacrifice of
18 our pristine mountains, which I fully admit is saying that
19 we're going to let someone else worry about the problem, we're
20 going to let somebody else make the sacrifices to help solve
21 it.

22 Finally, I would like relay my one experience with
23 wind power, wind turbines.

24 Driving across rural Pennsylvania last Christmastime
25 through -- you call it country side of fields and farms and

1 woods -- and there off to my left was a mountain ridge, a
2 wooded mountain ridge, with tower after tower, a couple dozen
3 at least, of wind turbines slowly turning in the wind.

4 I can't stand here and lie to you and say that those
5 wind turbines enhanced that bucolic landscape, but I can tell
6 you that they didn't bother me one bit. I looked at them and
7 had a good feeling inside.

8 I felt hope, I felt hope that we can make the changes
9 that we need to make, I felt hope that someone was leading the
10 charge into a new way of thinking.

11 And I submit to you that three years from now if
12 these things go up you're going to see hikers on the
13 Appalachian Trail and you're going to look off in the distance
14 and to rational thinking people, they're going to feel the same
15 way I did.

16 Thank you for your time.

17 THE CHAIR: Terry.

18 MR. TESSEO: Terry Tesseo, Coplin Plantation. We've
19 lived for a couple of years now. I've lived in Maine my whole
20 life, I was born in Bangor. I lived in Oquossoc for 27 years.

21 My wife and I purchased our property up in Coplin.
22 My wife said to me, she said, gees, is this where they're
23 putting the windmills? I said, I'm not sure, I'll check into
24 it.

25 So we did, of course, and we found out that the

1 windmills were going to be tried to be put in this area, but we
2 got the little red and green, the Commission's standards book,
3 and we looked in there, and said, those mountains are
4 protected, they'll never let them do that.

5 So we purchased the property and we built our house.
6 A couple years later now comes the -- we saw a release in the
7 paper where they were sending a permit to you people, and they
8 said that it would fit harmoniously into the natural
9 environment, and sure enough in this green book, that's one of
10 your criteria.

11 I just don't see how 30, 400-foot tall wind turbines
12 that are 40 times higher than those treetops, flashing at
13 night, flickering in the daytime, could ever fit harmoniously
14 into the natural environment.

15 As far as people saying about people who live here
16 who object to this raping of our mountaintops, I can only say,
17 these are hard working people. Try living up here, it's tough,
18 very tough, not only financially. It's tough, tough duty. I
19 respect these people. They are hard working,
20 honest-to-goodness people, Maine people.

21 If I had my druthers, I would rather leave those
22 mountains alone to my grandchildren and my kids than leave them
23 with these monsters that will probably all turn to rust in 20
24 years.

25 Thanks very much.

1 THE CHAIR: Dick Fecteau.

2 MR. FECTEAU: Good evening, my name is Dick Fecteau.
3 I currently live in Farmington but I was born in Skowhegan.

4 First, I want to thank everyone for being here,
5 especially the Commissioners, for their interest and attention
6 to this rezoning application.

7 I have nine minutes of testimony. I cut it down. I
8 said, okay, I can do this in five minutes. That last three
9 speakers -- including Angus and the question that Jeff had for
10 Angus -- I might as well tear this up.

11 Jeff, you asked about undue impacts. Maine and in
12 the United States, sure we need to find a solution to burning
13 fossil fuels for energy but not at the cost of rezoning the
14 Maine mountains for industrial wind power. This is about
15 rezoning the Maine mountains.

16 During the past few years we have seen a movement
17 towards removing hydro power dams because we've realized the
18 damage that was done with damming rivers. They affected the
19 natural ecosystems. They hurt the balance of the rivers, and
20 expense to the dams themselves.

21 We should not -- people have spoken about their
22 grandchildren -- we should not leave to our grandchildren a
23 mountain that's been altered to put these turbines up that they
24 will then have to take down in 25 or 50 years because we
25 realize that it's altered the ecosystem.

1 A mountain is not going to renew itself like a river
2 does. A mountain is going to take a lot more money. These
3 alpine zones -- I mean, moss doesn't grow on the mountains in
4 ten years. It's going to take a long time for these mountains
5 to come back.

6 So I would say that the undue impacts, that
7 criteria -- that one criteria that they have to meet is totally
8 unacceptable for these mountains.

9 Now, these high elevation zones that are in the
10 protected zone, the Maine legislature created LURC in the 1970s
11 and then in the 1970s LURC created the protected zones.

12 In 1975 the protected area zoned elevation was raised
13 to 2,700 feet, but it hasn't changed. It's still 2,700 feet
14 and has stood the test of time. It should not be changed for
15 this project or for any other project in the mountains.

16 There were many speakers last night who were bused up
17 from southern Maine by Endless Energy. They all spoke about
18 this project doing something for global warming.

19 I would suggest that this project is going to do
20 something for global warming because it could very well be that
21 this project is not going to create energy but it's really
22 going to take more energy to build this project than it could
23 ever, ever produce.

24 There's been questions raised about this project, you
25 know, can it live up to the developer's dreams. It's still

1 going to take the manufacture of all these plants. They're
2 going to have to be put on the mountain. The mountain's going
3 to have to be blasted, all the fossil fuels that that's going
4 to take. If this project doesn't produce, it could end up
5 adding to the global warming instead of doing anything about
6 it.

7 Now, at the break I went up to Angus and I asked him,
8 you really didn't talk about energy conservation, that was your
9 field. He said, well, I did the biggest project that was ever
10 done in the state, and that was only one-fifth of what this
11 project is.

12 But on National Public Radio earlier this week I
13 heard a talk, and there's expert testimony, and a fellow was
14 saying that this country could conserve its way into energy
15 independence. Conservation technology that's out there now
16 could completely delete the need for 40 planned plants, I mean,
17 plants that are much larger than one that Endless Energy is
18 proposing. This country needs conservation leadership such
19 that we haven't seen since the 1970s.

20 MR. WIGHT: You've got half a minute.

21 MR. FECTEAU: You've heard a little bit of mention
22 about the 1972 Maine Mountain Conference. Bob Cummings and I
23 are co-chairs of the Maine Mountain Conference that's planned
24 for Saddleback Mountain, October 21st this fall, and there was
25 also mention made of the proceedings of the 1972 conference.

1 Those are available on-line for anybody to download.
2 They're in a .pdf file, and it's the Maine Appalachian Trail
3 Land Trust website. That's matlt.org. You will find
4 information about the conference and pretty soon we'll have the
5 agenda out for the conference, and I would encourage anyone
6 who's interested in the mountains to come.

7 MR. WIGHT: You're out of time.

8 MR. FECTEAU: I'm out of time?

9 MR. WIGHT: Yes.

10 MR. FECTEAU: Yes. Thank you. I would ask if you
11 have any questions of me, I would be happy to answer them
12 because you did mention that it wasn't a bad thing to raise a
13 little ruckus once in a while.

14 THE CHAIR: You can leave the nine minutes with us if
15 you'd like to.

16 MR. FECTEAU: I intend to do that.

17 THE CHAIR: Thank you. The next are David Small and
18 Hellmut Bitterauf.

19 MR. SMALL: Good evening. My name is David Small and
20 I live in Norridgewock, and I appreciate having this
21 opportunity to briefly express my thoughts and concerns about
22 the Redington/Black Nubble wind power project.

23 My family owns a piece of property in Carrying Place
24 Town Township, which is not likely to be directly affected by
25 this project, it is in the general area and could be affected

1 by the regional impact of the development.

2 We also own property on the coast in Harpswell, so
3 the development of wind farms in the coastal region could
4 potentially be of concern to me.

5 However, for a number of reasons I feel that placing
6 wind turbines on the ocean 15 to 20 from land would be a more
7 acceptable option than undeveloped ridgelines and mountaintops.

8 The people of Maine, indeed our political leaders,
9 continuously profile the quality of life issues and the
10 attraction of special places as drawing cards which naturally
11 attract tourists and visitors to our state.

12 These same special qualities are the very things that
13 make Maine different from other states and provide a quality of
14 life that makes Maine as our adopted motto says, The Way Life
15 Should Be. And yet we seem to be intent on destroying these
16 very same places that make Maine such a unique place and so
17 attractive as vacation land.

18 Anyone who thinks that this mountain range with wind
19 turbines along these ridgelines will be as attractive to
20 ecotourists and visitors as they are in their natural state,
21 are fooling themselves and trying to fool the rest of us.

22 Please don't misunderstand. I am a strong advocate
23 of wind power generation and view it as one important element
24 of our future energy policy in this state and nation.

25 However, as with any development, the benefits must

1 be weighed against the harmful effects it would treat. There
2 are, I believe, many locations in Maine which would support
3 wind power generation facilities without causing the damage
4 that this proposal could create. That includes an area in my
5 own back yard on Beach Hill in Norridgewock which already has
6 communication towers in place.

7 I hope that the Commission will consider this
8 application very carefully, keeping in mind that there exist
9 other locations that are as viable for power generation and are
10 much less destructive to the surrounding area than this
11 proposal is.

12 Again, I thank you for the opportunity to speak of my
13 concerns on this matter, and I wish you success in your
14 deliberations.

15 THE CHAIR: Following Hellmut, Martha Sharp and Frank
16 Melber.

17 MR. BITTERAUF: My name is Hellmut Bitterauf, and I
18 live in Farmington.

19 Thank you for the opportunity to address this forum.
20 May I draw your attention to a point of interest.

21 Currently it stands at 2,700 feet. This altitude,
22 give or take a few hundred feet, is called an alpine region.
23 This region personally interests me and the alpine lands remind
24 me of my youth. I should mention that I was born and raised in
25 the German Alps.

1 Moving to Farmington in 1978, I continued my hobby of
2 hiking in the mountains. I was surprised to find alpine
3 vegetation at 3,000 feet, while in the European Alps, one finds
4 this at 6,000 feet or above.

5 The harsh weather here in the northeast creates an
6 alpine environment at a much lower elevation. This fragile
7 nation of this landscape was alluded by previous speakers and
8 the question is, is that suitable for industrial use.

9 Appalachian Trail is concerned with erosion damage
10 the trail might suffer through an increase in numbers of
11 hikers, and this is only addressing an activity that is
12 environmental friendly as hiking.

13 So do we know what happens if huge wind turbines are
14 placed in this environment? Excavation will cause massive
15 erosion and filled-up streams. Does this construction have an
16 effect on the aquifers supplying us with precious and now
17 famous water? Bird and bat migration will be affected. The
18 question is, do we really know the ecological consequences?

19 Furthermore, have the wind turbines been tested to
20 withstand harsh mountainous conditions, and how long will they
21 last?

22 Why put the wind farm, using the benign phrase, into
23 this fragile environment when so much developed land is
24 available?

25 That's where the wind is, right? Wrong. Looking at

1 the wind chart of Maine, the red areas are parts of Maine where
2 the measured wind is suitable for wind power. The white/red
3 band is on the coast as one might suspect. Small sprinkled
4 areas are seen in the western mountains representing the peaks.

5 Many people spoke of the beautiful wind towers they
6 have seen in foreign countries. I'm asking, are they all
7 mostly on the coast or in the plains? Did they find any in the
8 Alps?

9 Thank you for the opportunity to voice my concerns
10 about the location of the wind towers.

11 THE CHAIR: Martha Sharp.

12 MS. SHARP: I'm here as an interested local citizen.
13 I'm not -- I don't have lots of facts and figures, so I'm very
14 brief.

15 My name is Martha Sharp. My husband Matt and I live
16 on Gray Hill in Phillips. We purchased land here in 1995 and
17 have lived here full time since 2001. We run a small business
18 selling model trains, specializing in models of narrow-gauge
19 railroads, particularly the railroads that ran in this area --
20 Sandy River, Rangeley Lakes, Carrabassett, and Dead River,
21 Phillips, and Rangeley.

22 My first exposure to this area was when I was 13
23 years old in the late 50s on a camping trip with a group from a
24 girls' camp on a small portion of the Appalachian Trail.

25 I will never forget the impact that trip had on me,

1 the beauty and remoteness of the area, the wildlife, the rugged
2 terrain.

3 I was raised in New Jersey but my mother's family had
4 all come from Maine dating back to the first settlers. It was
5 my dream from a very young child to live here. I moved to
6 Maine in 1970, and when the opportunity came to move from the
7 coast to Franklin County, my husband and I jumped at it.

8 He was born and raised in Maine, and we both felt
9 that this area was one of the most beautiful in the state.

10 And I agree with others who have spoken. I've
11 travelled all throughout this country, and I think these
12 mountains are as beautiful as any in the country that I have
13 seen.

14 After living here for several years, I realize now
15 how important the natural beauty of this area is to its
16 survival economically. Our natural resources and the tourists
17 they attract are paramount to the economy of this area.
18 Destroying that by erecting towering windmills on some of
19 Maine's most pristine mountaintops is a mistake.

20 My husband and I wonder why this area with the
21 significant natural beauty and fragile environment has been
22 singled out. Is it because it's a poor area and developers
23 feel that local people would not speak out?

24 For the people of this area to bargain away one of
25 their greatest resources is incredibly short sighted. If I

1 were a tourist and were shown pictures of areas to travel to
2 and relax at, one with wind farms and one without, I would
3 choose the one without.

4 We have driven cross country several times and have
5 seen wind power from the interstate on top of barren mountains
6 and hills. There is absolutely nothing aesthetically pleasing
7 or beautiful about them.

8 We believe the negative environmental and economic
9 impact of wind power in this area will far outweigh the
10 positive impact wind power can offer in a different location.

11 Therefore, we are opposed to this project.

12 THE CHAIR: Thank you, Martha. Frank. Is Frank
13 here? Following Frank we have Ted Hershberg and Kenneth Jodry.

14 MR. MELBER: Good evening. My name is Frank Melber.
15 I presently reside --

16 THE CHAIR: Frank, put the mic up just a bit and step
17 right up to it so we can all hear you.

18 MR. MELBER: Good evening. My name is Frank Melber.
19 I presently reside in Freeman Township. I'm retired, I live
20 there with my wife on a beautiful scenic piece of property
21 overlooking one of Maine's most magnificent mountains,
22 Mt. Abraham.

23 Personally I will not see these wind towers when
24 they're erected on Redington Ridge and Black Nubble Mountains.
25 Nevertheless, I'm here this evening to speak in opposition of

1 this project -- and I stress, in opposition of this project --
2 at this time, for I truly do believe that ultimately wind
3 power, solar, hydro, biomass, diesel are all part of the answer
4 to ultimately solve America's problem with fossil fuel
5 pollution.

6 However, there is a time and a need for everything,
7 and I believe this is the wrong time for this project and it is
8 not needed.

9 Why do I say that. Let me read my brief prepared
10 statement.

11 After listening to both sides of this wind farm
12 proposal, I have concluded that the real issue is not an
13 increase in electrical generating capacity for the state of
14 Maine but rather a reduction of pollution by fossil fuels.

15 Therefore, I suggest that Maine implement honest --
16 and I stress honest -- conservation methods such as tax
17 incentives to individual Mainers versus corporations from away
18 for the installation of more energy efficient appliances,
19 furnaces, lighting, and solar panels.

20 And then -- and again I stress then -- then when we
21 actually need increased electrical generating capacity in
22 Maine, we consider first hydroelectric generation, which is
23 presently, which is presently underutilized, as we have
24 previously heard from Duluth Wayne.

25 Rather than needlessly developing more of Maine's

1 precious wilderness, remember Flagstaff Reservoir already
2 exists. Its environmental impact is a settled issue. Let's
3 utilize its potential to generate clean energy before
4 destroying more of Maine's hidden jewels.

5 Thus I hope LURC exercises wisdom once again -- and I
6 stress once again -- as it did in protecting many of Maine's
7 undeveloped lakes from development. If my memory serves me
8 correct, I believe you designated them as gem lakes by denying
9 the rezoning petition for this needless project.

10 Thank you for this opportunity to speak my mind.

11 THE CHAIR: Ted, are you here somewhere?

12 MR. HERSHBERG: Right in front of you. Hi, my name
13 is Ted Hershberg, and I'm here tonight as the president of the
14 Mooselookmeguntic Improvement Association. In my civilian
15 life, I'm a professor of public policy and history at the
16 University of Pennsylvania, and I direct a little center that
17 looks at regional issues, which I find key on this subject.

18 The MIA, as we call ourselves in shorthand,
19 celebrates its 50th anniversary tomorrow. It was founded by 13
20 year-round and summer residents on Mooselookmeguntic and
21 Cupsuptic Lakes, but in 1974 the board broadened its mission
22 and its membership to address a broad range of regional quality
23 of life issues.

24 We had a very passionate but principled debate on our
25 board on this subject, and we reached two conclusions: First,

1 we opposed the project for many of the reasons that you've
2 heard, outlined particularly by the Appalachian Maine Club and
3 we voted \$2,500 to defray the legal expenses of those fighting
4 the project.

5 The second conclusion we reached was to make clear
6 that we support wind power, but because we have no track record
7 let's make this clear. The board also voted a \$2,500
8 contribution to support research on alternative sites for wind
9 power in Maine.

10 Early tonight I heard somebody say, Why be in a
11 policy mode that's reactive? If someone owns some land, let's
12 put some wind farms here. Create the criteria, put it into
13 law. Now you know where you can have wind power.

14 Now, NIMBY, we have absolutely no qualms in facing
15 this issue directly. To us the quality of this region is
16 summed up in two words: Accessible wilderness.

17 We have consistently fought to preserve this quality,
18 and it's absolutely clear to us that the Redington Wind Farm
19 project isn't compatible with this goal.

20 Fifteen years ago the MIA catalyzed the establishment
21 of the Rangeley Lakes Heritage Trust. This organization has
22 been enormously successful. Now some 33,000 contiguous acres
23 of land are protected; and last year and the year before when
24 the Pingree Forest Legacy Project was completed, an additional
25 144,000 acres in this part of the state are now protected.

1 We urge you to reject the wind farm proposal, and in
2 so doing help maintain the uniqueness and quality of the
3 Rangeley Lakes regions and the western mountains that is so
4 vital to this area's economy and its people.

5 Thank you very much.

6 THE CHAIR: Kenneth Jodry and then Doris Jodry. I
7 assume there's some connection here. And Lindsay Rushad, I
8 believe, if she's still here. She spoke to me earlier.

9 MR. JODRY: Good evening. My name is Ken Jodry, and
10 my wife and I live in Alder Stream Township. We're the only
11 year-round residents in the whole township, and I hope mine is
12 not one of the 40,000 houses you expect to sell power to.

13 We have lived without electricity for the last 15
14 years, and if you ran an extension cord from your tower to our
15 yard, we would not plug it in.

16 We also do not burn fossil fuel, and we drive a small
17 car that probably gets twice the mileage than most of the cars
18 I see out in the parking lot get.

19 I feel we're doing our share to relieve the global
20 warming problem. Now you're asking me to give up my mountains
21 also.

22 Last night someone said -- and I heard it again
23 tonight -- the only ones against this project are the ones who
24 don't want it in their backyard.

25 It looks to me like the ones for it are trying to

1 keep it out of their backyards.

2 I have not seen an environmental impact statement,
3 but I'm sure someone has gussied one up. What impact will
4 blasting 12 miles of trench through ledge have?

5 I live on Route 27 where they're renovating the road,
6 and the last three years a section not much longer than what
7 was trenched what they're proposing here is, and to straighten
8 out a few curves in the road, they've been blasting up there
9 for three years now.

10 It seems that those from away want to have their cake
11 and eat it, too, and they want us to bake it for them.

12 Make your own personal sacrifices. Don't expect
13 someone else to make them for you.

14 Thank you.

15 THE CHAIR: Thanks, Ken, appreciate that.

16 MS. JODRY: As you know, I'm probably his mother.

17 THE CHAIR: Just tell us your name.

18 MS. JODRY: Doris Jodry.

19 I am a Native American living in Alder Stream,
20 population two. We are in the third section of the state
21 outside of northern Maine, Central Maine, and southern Maine.

22 We are only popular when people look for places to
23 put their nuclear waste, drop sludge in the woods, and to
24 develop our beautiful mountain. We have snowmobiling, ATV,
25 fishing, all the good stuff.

1 We do not need wind towers to scar the landscape,
2 some things that we didn't call for or need. All the extra
3 power is going to be shipped out of state anyway.

4 We have to save this for our children's children,
5 children. I'm the fourth generation here.

6 We cannot save electricity or oil because your
7 children and their children are the ones that are wasting it --
8 now listen to this -- their high powered SUVs, computers, their
9 lit-up yards, and heated Jacuzzis, and pools. So, please,
10 don't blame your elders. We did not have all of these things.

11 I can say you can live without electricity because my
12 husband and I have for 12 years. By the way, I have ten
13 children.

14 MR. WIGHT: He said 15.

15 MS. JODRY: He's only retired since -- I forgot when.
16 When you get older. And I'm not setting down so my memory is
17 not --.

18 By the way, I have ten children, 22 grandchildren,
19 and 16 great grandchildren, and most live out of the state
20 because they're working.

21 Here's a picture of my neighbor.

22 THE CHAIR: Thank you, Doris.

23 I take it that Lindsay is not here. Stan from
24 Rangeley Plantation followed by Linda Hellie from Lang, and
25 then Harry Tiffany.

1 MR. GRZYB: Hi, I'm Stan Grzyb. I'm speaking -- I'm
2 representing my home in Rangeley. I'm a resident of Vermont.

3 I wasn't going to address any issues about Vermont
4 but I noticed two other speakers did, and I think that the
5 Commission should understand that the Searsburg project in
6 Vermont is not talking about apples to apples with this
7 project. It's at a much lower elevation and the towers are
8 much lower.

9 The other thing that you probably know is last week
10 the Public Service Commission in Vermont denied a permit for a
11 wind project not dissimilar from this one and just two days ago
12 denied a second permit very similar to this permit that you're
13 deciding on.

14 I would like to -- I'm not a politician, I'm just a
15 regular guy who's been hiking these hills for about 40 years,
16 and I would just like to read what I would like to speak to you
17 about.

18 I oppose the request to rezone the Redington/Black
19 Nubble area to allow the installation of a major wind power
20 complex.

21 My personal history with these mountains is
22 reasonably long. I've had a residence in Rangeley Plantation
23 for over four decades, I've had the opportunity to hike these
24 hills in all seasons, and I know them well from the Bigelows to
25 Bemis. There are only a select few areas in the northeastern

1 United States that still capture the kind of experience that we
2 have here.

3 This area remains relatively pristine and should
4 remain that way.

5 I have to remind some of the people here because they
6 weren't part of this. Thirty years ago the citizens of Maine,
7 specifically those in Franklin County, fought a very hard
8 battle to preserve the Bigelows from intense development.

9 I feel very strongly that we should demonstrate that
10 same wisdom now in maintaining this segment of our beautiful
11 mountains.

12 We have been given a spectacular area that should be
13 preserved for future generations.

14 My four sons have been able to spend countless days
15 hiking, fishing, paddling this relatively unmonished terrain
16 with me. My sincere desire is to convince you to protect it
17 for their children.

18 I'm not a scientist. I can't substantiate all of the
19 scientific data that others have presented to you regarding the
20 inappropriate siting of this wind power project. I can only
21 speak from the heart and hope that you consider such sentiments
22 when you make your decision.

23 Some of us go to these mountains and can briefly
24 escape the harsh incursions of our otherwise industrialized
25 hectic society.

1 People need these islands of natural beauty to
2 balance their lives.

3 Please do not allow these mountains to fall victim to
4 the pressures of industry. Save them for what they are and
5 future generations will be richer for your efforts.

6 Thank you.

7 MS. HELLIE: Good evening. My name is Linda Hellie,
8 and I moved to Lang Township just over three years ago because
9 of these pristine mountains.

10 I am against the rezoning of Redington Ridge and
11 Black Nubble or any mountaintop.

12 Do you believe the mountaintops in Maine would look
13 like they do if they were not protected?

14 I believe they would be clearcut and developed by
15 now, which is what will happen if you approve this rezoning
16 proposal.

17 Your decision will set a precedent for future use of
18 our mountaintops. With the new eminent domain law that was
19 passed by the Supreme Court at the end of last year, opens the
20 door for many commercial uses for our Maine mountaintops and
21 other areas. If this rezoning is approved, I believe you will
22 be approached by many other investors to develop our
23 mountaintops and other areas.

24 I also believe that it won't be just windmills. It
25 will probably be condominiums, hotels, and many other issues

1 that you will be challenged on if you deny it. This is setting
2 precedence for what's coming up in the future.

3 Last night Endless Energy Power said that we, the
4 Mainers, would receive first dibs on the energy. Yes, we
5 probably will receive first dibs, but if they can get a higher
6 bid for the energy in another state, where do you think they're
7 going to sell that energy?

8 It's not going to be sold for less. It's going to be
9 to the highest bidder.

10 I also heard last night a number of times how the
11 electric wires that they want to tie into are near them so they
12 can hook up easily. I'm not sure how close they are, but
13 that's what they said.

14 I believe the 30 turbines that are over 400-plus feet
15 tall is just the beginning. I'm sure before you know they will
16 be asking for approval for more of them because they will be
17 saying all the lines are tied in, our roads are built, so we
18 just want another 30 and maybe another mountaintop.

19 I am strongly against this, and I ask that you turn
20 it down.

21 Thank you.

22 THE CHAIR: Following Harry is Lindsay. Are you
23 there? Come right down front so we don't miss you.

24 And then after Lindsay is Garret Oswald. If he would
25 get himself ready, too.

1 Please go ahead.

2 MR. TIFFANY: My name is Harry Tiffany and my wife is
3 Jane Tiffany, who is sitting over there.

4 We are flat landers. We've only moved to the state
5 of Maine 12 years ago after 30 years of looking over all the
6 areas in New England north of Route 2 for a place to retire to.

7 We have seven children, 14 grandchildren, five great
8 grandchildren, and we think we picked the best place. We live
9 in Freeman Township, an unorganized territory.

10 This area is dear to our life. We have skied for 34
11 years throughout this country. We've made Sugarloaf our main
12 No. 1 place, and since moving here, I've tried to ski it at
13 least once a week, especially the timber line trail, which
14 views these beautiful mountains in this area.

15 I come from -- and my wife comes from -- small towns
16 born and raised, but we moved to the Philadelphia area where we
17 spent most of our life.

18 I was employed by the Philadelphia Electric Company,
19 one of the largest electric utilities in the state of
20 Pennsylvania. I worked 37 years with this company. I was in
21 the plant accounting division. I was responsible in the later
22 part of my tenure with this company to deal with Public Utility
23 Commissions, Federal Power Commissions, Nuclear Power
24 Commissions.

25 And I have agonized over this particular project for

1 quite a while, and I've written something, which I would like
2 to give as my testimony to put into the record, but I am not
3 going to read it.

4 The reason is, I cannot be as eloquent as a lot of
5 people in the last few nights that have spoken here. I'm not
6 as knowledgeable of this area as most of these people who have
7 spoken, but my knowledge lies with one thing: We've talked
8 about the energy crisis and our dependence.

9 The problem is not here. The problem is with the
10 Federal government.

11 Private investor utilities were people who planned
12 for the expansion of energy until deregulation. At that time
13 the power part of the energy was taken out of the public's eye
14 and given to investors.

15 Now, certain types of energy have not been profitable
16 in the past, but we need this energy, so the Federal government
17 had passed an energy bill recently that gives incentives which
18 comes from your and mine tax monies, from our kids' tax monies.

19 Now, I was with the public utility for 37 years. We
20 fought constantly with the Federal government on its policies,
21 so I recommend anybody in this room that wants energy and wants
22 it now not to address this forum but to address your Federal
23 people in the Federal government.

24 Get out your pens, your computers, and deluge them
25 with information that you want action on clean energy. It's

1 available. There are ways of doing it that they are sitting
2 on.

3 So that's my comments.

4 THE CHAIR: Thank you, Larry. Lindsay. I guess we
5 got to you finally.

6 MS. RUSTAD: Thank you for not overlooking me. I do
7 appreciate that, and I appreciate the chance to make a few
8 comments. As my predecessor said, I will not be as eloquent as
9 some folks, and my comments are written on a place mat from
10 Red Onion in Rangeley, so I promise to try to make them quick.

11 Again, my name is Lindsay Rustad. I'm from
12 Cumberland, Maine. My training is as a forestry ecologist. I
13 also have a camp in the Rangeley region, I am a former
14 Appalachian Trail through hiker.

15 As a forest ecologist I spent a lot of time since the
16 early 1990s actually studying the effects of global climate
17 change on northern forest ecosystems. I currently also run an
18 international consortium of over 300 scientists from 24
19 different countries, and I'm also leading a synthesis of kind
20 of a regional effects of global climate change in our northern
21 forest ecosystem here in the northeastern US and eastern
22 Canada, where the consortium has some 40 US and eastern
23 Canadian scientists.

24 So I speak from the science perspective, and it is
25 just absolutely unequivocal that global warming is the most

1 important environmental issue of the 21st Century.

2 I think there's complete consensus on that, and
3 global warming is caused by increased atmospheric CO₂ and other
4 greenhouse gases, and those are coming from increased fossil
5 fuel emissions, as well as changes in land use.

6 So within the last century we can now again with
7 complete consensus -- never complete consensus -- but a pretty
8 good consensus from the scientific community saying that we
9 have seen an increase globally of about .69 degrees C, and
10 regionally, here in New England, here in Maine, about one-half
11 a degree C, a little over 3 Fahrenheit.

12 And I know when I make these comments people roll
13 their eyes and say, what do we care about that. But within the
14 last five years, we have been able to link this change in
15 temperature, slow as it's been, to very dramatic changes across
16 the landscape, including an increase of heating degree days,
17 which, of course, we kind of like.

18 Also with those, increases in ocean surface
19 temperature and in lake temperatures, and earlier ice-outs --
20 which many of us are probably familiar with -- changes in the
21 growing season, changes in synology, and change in species
22 distribution.

23 So these are things that we really learned in the
24 last five years that we can put our fingers on.

25 The projections are for an increase of 2 to 5 degrees

1 C, or about 3 degrees C, 5 degrees Fahrenheit -- play the
2 numbers around -- and that is actually a huge amount. That
3 would put our climate here in Maine similar to Baltimore,
4 Maryland. Barry Roth, from the University of New Hampshire has
5 said this many times -- of course, they're having 103 degree
6 temperatures right now.

7 Along with this, our science also suggests that these
8 kinds of changes are going to have very profound effects on our
9 ecosystems, including changes in species diversity, changes in
10 forest productivity, changes in wildlife, changes in pests and
11 pathogens, and changes in the ability of our forests to
12 sequester carbon and mitigate against climate change.

13 So in that context, it is a question -- as Angus King
14 said -- about climate change or at least it comes into the
15 question.

16 I am very -- I'm an Appalachian through hiker, a
17 local landowner, I've spent a lot of time and energy -- I, too,
18 care very much about our birds, about our bats, about our
19 endangered species, and our fragile ecosystems.

20 But as a global climate change scientist, I also
21 worry that some of these habitats are going to go away. These
22 species are going to go northward, they're going to go higher
23 up in elevation, and they're going to run out of elevation.

24 So I think it is a question about the care for the
25 environment, but I think it's a bigger question, not so much a

1 local issue.

2 I am very sympathetic to the question on the view
3 shed. I'm an Appalachian Trail hiker, but I also have to say
4 that it's such a personal -- I particularly think that wind
5 turbines are majestic and they're beautiful across the
6 landscape, and as an Appalachian through hiker, if I saw one
7 wind turbine, 30, 40, 100, I would feel very positive about
8 that.

9 In general, also I think the US is woefully behind
10 some of our international colleagues in terms of clean energy
11 production. I've actually spent a fair amount of time in
12 Europe over the last five years, and there is almost around
13 every corner, there is now a wind turbine and a wind farm.
14 It's very accepted over there, and again, they're just
15 beautiful across the landscape.

16 So I personally believe we need to put our money
17 where our mouth is, step up to the plate, and begin to work on
18 some of these clean energy resources here in the US.

19 Thanks.

20 THE CHAIR: Garret Oswald.

21 MR. OSWALD: Yes, sir. My name is Garret Oswald, and
22 I'm from New Portland.

23 MR. WIGHT: Could you put the mic up.

24 MR. OSWALD: Again, my name is Garret Oswald. I'm a
25 resident of the town of New Portland, which is just a little

1 bit south of here. I'm the director of the Maine Jobs Council
2 and staff to the governor's workforce cabinet, as well as a
3 registered Maine guide.

4 I come here tonight as a concerned local resident who
5 opposes the Redington wind plant project for reasons that have
6 been stated last night and again here tonight that briefly I'll
7 just run through.

8 It's bad for our economy, the tourism, natural
9 resource-based economy will be impacted. Restaurants, motels,
10 gas stations, and guide services. People won't come back every
11 year to see blades turn. I just don't believe that for a
12 minute.

13 No new local jobs will be created by this project.
14 The installers will be from away, and the office jobs will be
15 somewhere else. Thanks to technology, they don't need to be
16 here. They could be in some other state like California.

17 It's bad for the mountain environment. There's
18 negative impacts on birds, bats, wildlife, we've heard all of
19 that. Most importantly, Maine already leads the nation in
20 clean renewable power generation, and we export a surplus of
21 power into the New England power grid.

22 So when hear last night and again tonight a lot of
23 the comments about global warming, we need to be clear about
24 that.

25 Again, I'm not against wind power; I'm against the

1 placement of this particular project.

2 We certainly need to address global warming. We
3 certainly need to develop alternative sources of energy. But
4 to start that process in undeveloped in a back country
5 recreation area that is one of the finest east of the
6 Mississippi seems ridiculous.

7 I and others choose to live here in this area for a
8 reason. We live here for what's here and what's not here.
9 What is here is mountains, rivers, forests, and wildlife.
10 What's not here is industrial development and all that goes
11 with it.

12 We settled here for that reason, for the natural
13 beauty, the recreational opportunities, the quality of life
14 that currently exists here. I would urge you strongly to give
15 consideration to the culture, the heritage, and the value of
16 these local people.

17 If we do this, we will alter forever the character of
18 the western Maine mountains.

19 Thank you for your time.

20 THE CHAIR: Ken Haley, followed by Susan Stowell and
21 Bill Hewson. Are those folks here?

22 Please go ahead.

23 MR. HALEY: My name is Kenneth Haley. I appreciate
24 the opportunity to speak here tonight. I've heard a lot of
25 comments here, and it looks like it's pretty much unanimous in

1 the room that everybody is in favor of the wind projects or
2 wind power.

3 There's also a lot of talk about hikers, and I too am
4 a hiker. I have hiked a lot of these mountains like a lot of
5 us. I'm from Rangeley Plantation. I've spent most of my life
6 here in Maine, and I've hiked the Appalachian Trail in Maine
7 from New Hampshire/Maine border to Mt. Katahdin.

8 During that time there's several things that stuck
9 out in my mind. One of them is the beauty of the area and the
10 whole, all the mountains, the valleys. There's a lot to make
11 it an experience that I love to do and I'll continue to do.

12 I started hiking on a trip one time and this bull
13 moose came across Saddleback the second week in September and
14 hit a whiteout blizzard where I couldn't see anything. But the
15 thing that stuck out in my mind was getting over here to
16 Sugarloaf Mountain. We took a side trail off the Appalachian
17 Trail, half a mile on top of Sugarloaf. The old gondola
18 building has 360 degree views, and again it was in the middle
19 of September, the restaurant at Sugarloaf and the lights were
20 all lit up bright, and what a beautiful view it was from that
21 360 degree gondola building. There was probably about 20 of us
22 up there in that building that night.

23 It was -- some of the stories everybody shared
24 concerning the mountains and the things that they remembered, a
25 lot of the hikers commented on hiking through Vermont and some

1 of the ski areas there where they had the nets where they catch
2 you when you come off from the chair lifts so you don't fall,
3 coming off and they stayed there for extra days because they
4 enjoyed that part of the Appalachians and that part of the
5 hike, which is not just a natural beauty with nothing on it.
6 It's the ski areas that had the trampolines and things they
7 used them for and they used them to rest.

8 One of the things that I remembered about it was --
9 the biggest thing was hiking Bigelow mountains. My wife and I
10 hiked them over Labor Day weekend, and when you get on the
11 Bigelow and you start hiking north, when you look to your left
12 as far as you can see, you see Flagstaff Lake and all the
13 mountains and very little development on the left side of that
14 view there from the Bigelows.

15 You look to the right and you see all the ski trails
16 at Sugarloaf and you see the buildings and the restaurants and
17 the lodge right here, and again, that's just as beautiful as
18 looking from Flagstaff with very little development on it.

19 I think someday -- three or four years down the road,
20 whatever it's going to be -- the hikers hiking that Appalachian
21 Trail and loving these mountains like most of us here do,
22 they're going to be taking side trips over to Redington/Black
23 Nubble to see those wind towers and consider that a thing of
24 beauty.

25 I want to move on from a hiker to a little different

1 aspect. One March morning over at my house in Rangeley I
2 received a phone call from a friend of mine, and he said, have
3 you ever looked at the Endless Energy site on the Internet and
4 seen what those wind towers are going to look like from
5 Rangeley. He reminded me that I was a partner in a large
6 subdivision on Bald Mountain, which I am -- I'm glad I am, it's
7 one of the most exclusive subdivisions in the Rangeley area,
8 and we were very fortunate to sell seven of our 14 lots almost
9 immediately.

10 The wind power is going to be visible from those lots
11 that we're selling and there's going to be a lot more lots to
12 come on that Bald Mountain subdivision, and I guarantee that
13 people are going to be seeing that and seeing the wind towers
14 and think that is a thing of beauty also.

15 What brings me to that, those people that bought
16 those lots and those people who are going to continue to buy
17 those lots are not the working men and women of North Franklin
18 County. Those people who bought them bought those lots to have
19 beautiful second homes on to come up here to enjoy our beauty,
20 snowmobiling, skiing, hiking, or whatever.

21 And it brings me to the economic impact of this
22 project that I think is so important to North Franklin County
23 in this area, and that is this: I've only been involved or
24 looked at a small part of the project, approximately 12 percent
25 of it, and of that 12 percent of that project, there's just the

1 construction part, the clearing of roads, and the turbine
2 sites, there's over \$5 million in wages that are going to go to
3 people in this North Franklin County area. When you take the
4 economic multiplier of that \$5 million, it's going to have a
5 30, \$35 million dollar economic effect on North Franklin
6 County.

7 I appreciate it, thank you, and I'm here in support
8 of the Redington wind tower project.

9 THE CHAIR: Thank you, Ken. Susan.

10 MS. STOWELL: Good evening. My name is Susan
11 Stowell, and I have some questions for you folks to ask
12 yourselves when you make your decision.

13 First of all, I assume you ended up on the LURC board
14 because you have common sense, at least we hope so.

15 So assuming that, I would like to ask you these
16 questions and make the comment that I feel what we're
17 discussing, the project, is a business effort. It is an
18 economic decision you are going to make and help answer this
19 economic problem.

20 I want to ask you a couple of things, but first of
21 all, you must change the zoning if you're going to do this.

22 How is LURC going to maintain its reputation if you
23 create, as you did, a statement and zoning protection, then you
24 turn around and change it?

25 How is LURC going to be presented down the road if

1 you make a statement, somebody will say, just wait, they're
2 going to change their mind. So you've got to be very careful
3 in making this decision.

4 How are you going to make your decision to change
5 your mind for this passage? If you think about the impact,
6 either visual or no untoward impact, what's going to make your
7 decision for the passage? Is it going to be the project must
8 be successful in order for it to pass?

9 Does Endless Energy have contracts ready to sign with
10 power people? Are they going to be accepted readily into the
11 power grid? For how long and at what costs?

12 I believe the power is going to be very expensive to
13 buy. Maybe the powers at be in the power grid don't want to
14 buy the power because it is too expensive. That happened to
15 somebody that I know that had hydro power. The power grid
16 would not buy it, it was too expensive.

17 So how do we know how long the contract is going to
18 be and will the power grid buy the power? What's going to
19 happen to the business if the Federal tax credits are cut?
20 They are shortened.

21 Is the business going to be able to keep going
22 because they don't have this money? What's going to happen?
23 That's an impact that needs to be considered.

24 Next is the cost of tourism here. Now, people -- a
25 lot of people don't like the idea of the power of tourism.

1 Right now I believe it's the largest in the state for income.

2 I was on the Maine Tourism Commission representing
3 Arts and Heritage. This part of the county desperately needs
4 jobs. Ecotourism has been suggested. We're the perfect place
5 to do it. Those jobs that might be here for building the
6 roads, that would just be a certain amount of time.

7 Will that overcome the jobs that might be lost
8 because of ecotourism not being able to continue? People not
9 coming back because they don't like what they see?

10 That's something that you have to ask yourselves.

11 I'm surprised your eyes aren't glazed over with all
12 the people commenting, and I thank for listening.

13 I think everybody in the room agrees that we want to
14 save electricity, we want to save energy.

15 My question is: What are other states doing to help
16 themselves as we have produced enough electricity for
17 ourselves? Do we need to produce for other states that maybe
18 aren't helping themselves?

19 Ask yourself that question. Should we will the top
20 of our mountain to help other states? Are they helping
21 themselves?

22 Live with yourself, with your answer if you change
23 what you have stated with LURC's comments.

24 Can you live with yourself with your answers?

25 That is all. Thank you.

1 MR. HEWSON: Good evening. Thank you. I'm Bill
2 Hewson, I'm a resident of Kingfield, and some of my friends
3 consider me an environmentalist and I am a hypocrite. I say
4 that in jest, and I say that in your position also.

5 A little bit of background. I have served on the
6 planning board in the Town of Kingfield, I know the difficult
7 position you're in, and I also know this issue very well having
8 done a lot of research on it, and I think with this issue I
9 find the more you know, the more difficult this issue becomes.

10 I have spent my life working to protect the wild
11 places of Maine. I actually spoke at my high school graduation
12 and on an essay on the value of wilderness. I work very hard
13 to fight the Big A dam and actually guided this Commission down
14 the West Branch of the Penobscot way back in the 80s.

15 I was recently awarded in 2002 an environmental award
16 for my work to protect wild places in Maine by the Natural
17 Resource Council of Maine, and I'm currently serving on the
18 board of directors of the Natural Resource Council of Maine.

19 As a registered Maine guide, I have spent my life
20 trying to instill a sense of place, and that is certainly what
21 you're hearing tonight. I would like to take some credit for
22 it but I don't think I've guided any of these folks, a few
23 thousand others.

24 It's very easy when you're connected with a place to
25 want to protect it, and certainly the western mountains of

1 Maine are a place that are worth protecting and certainly that
2 is part of your job.

3 The difficulty with this issue is that the western
4 mountains of Maine are in danger from more than development. I
5 drove today and I've been guiding recently on a lake in
6 northern Maine that you have well protected. It is not
7 developed. It's gorgeous for nights on the lake, and it's a
8 very big lake in northern Maine.

9 I saw no lights. Absolutely gorgeous. But at the
10 same time I have to tell my children that they can't eat the
11 fish out of the lake more than once a month. That's real.
12 That's mercury pollution. Where does that come from? It
13 doesn't come from Maine, it comes from out-of-state coal-fired
14 power plants.

15 Global warming is real, mercury pollution is real.
16 These are difficult, difficult issues.

17 Your job is to balance and protect the areas of the
18 state of Maine that you are charged with, as Governor King
19 said, used the words no undue adverse effect.

20 The difficulty with this issue is I feel that the
21 mountains of western Maine -- as the lake that I just came from
22 this morning -- is threatened by more than development. There
23 is undue adverse impact from sources other than development.

24 So this is a very, very difficult decision. I've
25 lost sleep over it, as I'm sure you will. We have wrestled

1 with it.

2 The Natural Resource Council of Maine has come up
3 with a viable, what I consider is a viable, third alternative.

4 I guess I'm the only one here to speak to it tonight,
5 but I think that it allows us to balance both.

6 Redington is about 4,000 feet. It is clearly within
7 more of a wilderness area. The Applicant owns it. If it was
8 to be put into permanent protection by the Applicant, I think
9 you could meet a lot of the needs of the people speaking so
10 eloquently tonight opposed to the project.

11 I also think that Black Nubble is a more viable
12 alternative. Black Nubble is further from the Appalachian
13 Trail, it is lower in elevation, and will make a significant
14 and viable contribution to renewable power in the state of
15 Maine.

16 I would ask all the people present tonight -- the
17 great thing about tonight is that you're hearing people from
18 both sides who are here trying to fight to protect Maine. What
19 a great thing.

20 But I would ask people from both sides tonight to
21 consider an alternative, to place Redington Mountain into
22 permanent protection and at the same time to not only support,
23 but encourage, wind power in the other parts of the state, to
24 encourage and support as actively, as you are tonight, come out
25 and actively work towards renewable energy and conservation.

1 Thank you for your time.

2 THE CHAIR: We're looking for Ann Marsh followed by
3 Peter Garrett. Is Ann here?

4 After Peter is Bob Brown and Rose Lowell.

5 MR. GARRETT: My name is Peter Garrett. I live in
6 Winslow, Maine; I'm an environmental scientist, actually a
7 geologist. I'm a builder of an energy efficient solar home and
8 a member of the Natural Resource Council that you just heard
9 from, and I'm a developer of trails, too, in central Maine, and
10 an avid hiker like many other people here.

11 I've come to make a couple of comments, one of which
12 was made just not far before me but I would like to make it
13 again, and the other is comment that I haven't heard yet.

14 One is to describe an experience that my wife and I
15 shared this summer in Denmark, namely, staying with friends who
16 looked out of their windows at wind turbines.

17 They were recently installed in farm land. We
18 learned about how they came along and how some neighbors were
19 opposed to that.

20 We also shared with our friends the beauty of these
21 structures. I'm surprised to be telling you this, but it's so.
22 They are not only some of the most elegant man-made structures
23 that we had ever seen, but their slow winding we also found
24 very, very peaceful and inspiring.

25 Seeing and living with these wind turbines was one of

1 the highlights of our brief visit to Denmark, as much as it was
2 the Baltic Sea, the fascinating farms of Bon home island, and
3 the singing of black birds and nightingales. They were a
4 beautiful part of that trip.

5 So you've heard a little bit about how other people
6 have also found out about these wind turbines.

7 I would also like to describe an experience from this
8 last weekend when I was on a field trip with the Geological
9 Society of Maine in the boundary mountain a little bit to your
10 northwest.

11 Frankly, I was appalled at how these mountains are
12 not pristine. The clearcuts, of which there were many, were
13 ugly, the slash seemed to be everywhere, the woods' roads were
14 almost as wide as Route 27. These are industrial mountains and
15 forests already.

16 So in short, I'm in favor of this proposal. It will
17 not cause undue environmental harm to this area, and it will
18 produce a considerable amount of clean energy.

19 Thank you for the opportunity to speak to you.

20 THE CHAIR: Thank you. Bob.

21 MR. BROWN: Good evening and thank you for this
22 opportunity. My name is Robert Brown. If you live locally you
23 know me as Bobby Brown. I'm a Kingfield resident. I am
24 currently the interim director of the Stanley Museum and also a
25 marketing director down in Farmington for a publishing house.

1 When I came here, for the first three and one-half years I was
2 actually the marketing director here at Sugarloaf.

3 I'm also on the board of directors of the United Way,
4 I'm founding member of the Kingfield Pops. I'm on many
5 affiliations for tourism councils and advisory groups.

6 I mention this because when I moved here for the job
7 at Sugarloaf, I also fell in love with the area but I also fell
8 in love with the community. Having worked in the community as
9 a volunteer and still gainfully employed there, I understand
10 the balance.

11 My concerns are with the emphasis on tourism, of
12 which certainly I was a steward of that. It was my job to
13 bring tourists here. The challenge of increased fuel costs
14 that the tourism base would come from is a challenge.

15 We do not have the amount of tourism to support this
16 area.

17 As a local resident, I am concerned that banks now
18 have products. Banks only sell products that they know they
19 sell. We now have loans for people to buy oil for the
20 winter -- 5.99 percent if you're interested. This is a concern
21 to me that you have to actually take a loan for oil.

22 The wind farm, I understand, is a nature-based
23 business. It is nature based and it is a business. If there
24 is any business that you would understand that is a balance, it
25 is something that is nature based, and I think that we should

1 be for it, for the conservation folks who say that it is in the
2 way of what they come from.

3 I lived in the city. I lived in Boston, New York,
4 and LA, and I understand the environment; but if there's
5 anything that they should celebrate is the fact that they are
6 in an area where they come to get away and they're also part of
7 the solution.

8 Now, speaking from the community side of the
9 organizations that I volunteer for, it is a challenge to live
10 here to provide the infrastructure that they so enjoy. As a
11 business person that is dependent on traffic at the museum,
12 there is not a lot of traffic, it -- we don't see the people
13 coming in droves. There are challenges to get them here.

14 For those who do live here who might have to take out
15 a loan for oil, who need to have a couple of jobs, who depend
16 on tourism, the current model is not working as well as it
17 should.

18 If the state of Maine does this correctly -- I
19 understand the arguments about the roads -- if any state in the
20 Union can get building roads correctly after all the years of
21 working with the forestry land, of going to farm, forests, and
22 build the roads correctly, it's the state of Maine.

23 I just -- I'm just -- there's a disconnect with not
24 being able to celebrate the fact that there are wind farms in
25 areas where people so enjoy the preservation of the land.

1 I hope this project goes through. I hope that we get
2 a chance to market it to the people who want to conserve the
3 woods, because I think that if you did have that choice, as
4 someone previously testified, would I go to this park or this
5 park, I think marketed properly, of course they would come here
6 because it is exactly what we're looking for, the balance of
7 people who want to live and enjoy the land, finally someone's
8 making a difference about the problems that we have today.

9 So thank you very much.

10 THE CHAIR: Thank you, Robert. The next speaker is
11 Rose Lowell, and I have Lars Janssan from Gilead. And Donald
12 Bradshaw and Marcia White.

13 So go ahead, Rose.

14 MS. LOWELL: I'm Rose Lowell. Thank you for
15 listening to me.

16 THE CHAIR: Rose, just tell us your name so this lady
17 over here can get it correct, okay.

18 MS. LOWELL: I'm Rose Lowell. Thank you, committee,
19 for listening to me tonight. I want to start. I think this
20 project is a bad idea. I am one of the future adults of this
21 generation. I will hopefully live here and raise my children.

22 My family has lived here for over 200 years. My
23 great grandfather, James E. Batchelder, was a farmer and owned
24 a lot of the land that is facing the Redington and Black Nubble
25 where these wind towers will go.

1 My grandparents, Basil and Harriet Powers, now own
2 the land that still faces the Redington ridges.

3 It has been nice to see the ridges of the natural
4 trees. If you put these wind towers in, when I visit my
5 grandparents I will have to face these towers; but where I live
6 now, these towers will be also in my front yard. I live on
7 Route 16.

8 Redington Ridge and Black Nubble are also in my front
9 yard. This upsets me. I already listen to the trucks and cars
10 on the road. I do not need to listen to the blades swishing in
11 the air 24/7 or the bright lights flashing so I cannot see the
12 stars that shine over it in the sky.

13 I want to be able to listen to the birds sing and the
14 chipmunks and the squirrels chattering.

15 Please, please do not let this project happen. I am
16 one of the future generation, and I will always and continue to
17 fight the project to keep our wildlife and the beautiful views
18 and preserve.

19 THE CHAIR: Thank you, Rose. I appreciate it.

20 Lars, are you here?

21 MR. JANSAN: Good evening, Chairman and members, my
22 name is Lars Janssan, and I live in Gilead, Maine. I'm opposed
23 to this proposal.

24 After see the simulation over there, I'm also not
25 only opposed but also severely depressed about this prospect.

1 Now, I do also find myself in the global energy debate and it's
2 probably clear -- there's no one in this room that is opposed
3 to alternative energy and don't understand that we have a big
4 political and ecological crisis going on, however, I don't
5 think this is really about alternative energy, it's about the
6 future of the mountains in Maine.

7 I do have a question of the Commission. Can I
8 address you?

9 THE CHAIR: You can just say it.

10 MR. JANSAN: Is it correct -- is it true that the
11 primary task of the Commission is to address land use above
12 2,700 feet?

13 THE CHAIR: We're land use from zero feet to 2,700
14 feet -- and above, and all land use.

15 MR. JANSAN: So also this application, is that
16 considering also below 2,700 feet?

17 THE CHAIR: Oh, yes, it's the whole project from top
18 to bottom.

19 MR. JANSAN: Thank you very much.

20 But the main concern here is that it's going to
21 change the region a lot and people talk a lot about the wind
22 turbines, but also the other issue is just the roads and the
23 transmission lines. They're going to go right in front of
24 Bigelow Preserve, which is not going to be -- they're not very
25 nice to look at.

1 I'm also a trained engineer. I'm not going to
2 testify as an expert, but I have some engineering common sense,
3 and this obviously is a difficult task to pull off.

4 I remember 25 years ago when I got my degree from
5 Rawlings Institute of Technology in Stockholm, Sweden, someone
6 mentioned Denmark, and at that time these things were
7 experimental, and I remember they had a lot of issues getting
8 these things to work.

9 Now, we have to understand that this was in Sweden
10 and Denmark, which actually has a lot more milder climate than
11 Maine has, and it's also flat as a pancake.

12 So I do have some concern pulling this off in Maine,
13 and you have to put these things where the weather is. The
14 only thing you're interested in is the wind, unfortunately if
15 you put them at this altitude and at this latitude, you also
16 will get the ice and the snow and the cold.

17 And so my concern is that this is probably going to
18 have a lot of down time in the winter when we really need this,
19 and you'll probably find that this is -- there's probably a
20 more suitable location for this.

21 My other concern is what if this fails. Are we going
22 to have in the application for maybe ridge top condominiums
23 along here since we've got the infrastructure in? I'm sure the
24 banks and the investors want their money back here.

25 And so I -- in inclusion, I am opposed to this

1 application for rezoning.

2 Thank you very much.

3 THE CHAIR: Is Don Bradstreet --

4 MR. BRADSTREET: Thank you very much. I think we
5 have an example of a certain kind of sustainability here, which
6 is the sustainability in terms of time. So thank you very much
7 for that.

8 I am here in favor of the project, and I think it's
9 very unfortunate that we have to put windmills up, but let me
10 talk just a little bit about what's going on.

11 No. 1, ISO New England -- I was at a meeting with the
12 chairman just a couple weeks ago -- and they hit a new peak for
13 27 million kilowatts this week. There's a great concern over
14 natural gas supplies competing in the winter time with heating
15 and with electricity production.

16 Maine now gets 51 percent of its electricity from
17 natural gas. It used to be mostly renewables. Renewables is
18 down to 38 percent right now.

19 LNG siting is a key issue along the entire coast.
20 Massachusetts is having difficulties in Fall River, and here in
21 Maine I think there was a rejection on the coast of an LNG
22 facility.

23 We want to get our natural gas in places like
24 Algeria. I might prefer a windmill as opposed to bringing
25 natural gas in from Algeria.

1 There are plans for 125 new nuclear power plants in
2 the United States. Right now there are five nuclear power
3 plants under construction in the southeastern United States.
4 There are plans to put a new nuclear power plant at Millstone
5 and Seabrook in terms of meeting our electrical energy supply
6 requirements.

7 Big expansion of coal power. Coal power is more than
8 half of the power that's generated in the United States. We
9 already heard about the mercury impact on fish that we can't --
10 kids and pregnant ladies can't eat more than one serving of
11 fatty fish per month. That's only going to increase in the
12 terms of the mercury emissions going forward, and that's of
13 grave concern, bio accumulation.

14 So what's the impact? In 1990 in the power plants in
15 Maine we emitted 5 million tons of CO₂, two years ago we
16 emitted 7 million tons of CO₂.

17 Our cars in Maine -- there are 1 million cars and
18 light trucks -- we have emit one pound per mile per car that we
19 drive.

20 The people in this room, just to run a rough
21 calculation, 150 people, we are responsible for emitting 2,250
22 tons per year of CO₂ equivalents.

23 We have to try to see if we can reduce that. If we
24 signed up for Toyoto, we'd have to reduce our CO₂ emissions
25 from 7 to 5, which would be very difficult. It would be more

1 natural gas and more other resources that are non renewable.

2 So what's the impact? The US Navy has helped in
3 terms of the global warming analysis because they've actually
4 been analyzing the thickness of the arctic ice so they can keep
5 their Trident submarines and crash up through the ice or send
6 missiles through the ice. They need air to breathe in those
7 submarines.

8 In the 60s they measured the thickness of 5 meters of
9 arctic ice. Currently we're down to 3.5 meters on average of
10 the arctic ice, and it's expected by 2030 that there will be no
11 arctic ice cap.

12 That won't raise the sea level, because it's actually
13 already floating in the ocean; but Greenland is a concern. The
14 ice is 5 miles thick on Greenland, it's beginning to melt, and
15 the fresh water has an impact.

16 And what's the impact? There are 350 right whales
17 that spend their summers in the Gulf of Maine. They are having
18 difficulties surviving. They're going to be an extinct species
19 pretty soon because of the krill.

20 The krill has difficulty when water salinity changes.
21 They'll be going up and down the water columns, and
22 consequently, with the increase of fresh water -- which is now
23 occurring in the Gulf of Maine -- it's expected that the whale
24 population is going to decline because the krill's having
25 difficulty in living.

1 So there are direct impacts from all these plants and
2 global warming on the Gulf of Maine, fisheries, for example.

3 I think that's it for my comments. Thank you very
4 much for your time.

5 THE CHAIR: Excuse me, Don, could you just state your
6 name again. I don't think our court reporter was able to get
7 it.

8 MR. BRADSHAW: Donald Bradshaw, Scarborough, Maine.
9 Thank you very much.

10 THE CHAIR: Thank you. Marcia White. Are you here?

11 MS. WIGHT: Good evening. My name is Marcia White,
12 and I've lived in Wyman Township with my husband and family for
13 30-plus years.

14 This project is in our backyard. Our land comes to
15 within about 200 yards of the aforementioned power line, which
16 currently runs from the biomass in Stratton to Bigelow Station,
17 and we're less than half a mile from the Appalachian Trail.

18 We are long-time members of the Natural Resource
19 Council of Maine, Maine Appalachian Trail Club. We're staunch
20 supports of American Lung Association of Maine. I've ridden in
21 the last eight trips across the state, five of them with my
22 son. I was glad when they came out in support of this project.

23 I'm also the vice president of the local United Way
24 board and realize the economic impact that this project could
25 have on this area for hikers, mountain bikers, skiers, golfers,

1 and we love this area very dearly.

2 We've raised our two children here and continue to
3 support their pursuits at the University of Maine at Orono and
4 Bates College.

5 For 24 years I've been the children's services
6 director here at Sugarloaf, which means I've been privileged to
7 care for two generations of children of local families -- from
8 Kingfield to Eustis -- as well as all the children, thousands
9 of them, of visiting families to the area.

10 In the summer my job is directing outdoor adventure
11 camp, which happens here in Carrabassett Valley. We take care
12 of kids in the day camp program from ages 4 to 13. We average
13 80 to 100 children a week, 60 percent of them from the local
14 area and 40 visitors or second home owners who come up now for
15 several weeks in the summer.

16 This week our theme is Earth Week. We assign a
17 letter to each day. Monday was give me an E. We talked about
18 carving a footprint, environmental impact, all kinds of things.
19 Tuesday was air. Wednesday R for reduce, reuse, and recycle.
20 Today was T day, think and talk. Think about things you can do
21 to improve the environment and talk to your family about what
22 you're going to start doing now.

23 Tomorrow is H, it's going to stand for H₂O, and we're
24 going to address water conservation and all those issues.

25 Back to Tuesday and the air. We asked the kids to

1 brain storm things they can do to help improve the air that we
2 breathe. We got some great answers as you always do when you
3 ask kids questions.

4 Ban SUVs. Plant trees, no more logging or lime
5 trucks on Route 27. Stop cutting down trees. Don't allow
6 anyone to smoke anything anywhere.

7 But out of the four groups, three of them also
8 mentioned wind power. The oldest group said straight out,
9 build the wind towers -- not build wind towers, build "the"
10 wind towers.

11 The 6- and 7-year-olds, a little more cut and dry,
12 make everyone use wind and sun for electricity.

13 The 8- and 9-year-olds said, we need windmills.

14 After this week in conversations with the campers,
15 I've come to realize that today's kids are nervous and a lot of
16 them are down right scared for what the future holds for them
17 environmentally.

18 Few, if any of us in this room tonight, will live to
19 experience the full impact of global warming and what it will
20 bring to this planet. All of us here are guilty of
21 contributing towards it.

22 This project, I feel, gives us the opportunity to
23 maybe pay some of that back. Our children will be impacted and
24 their children surely will lead very different lives because of
25 our footprint.

1 I'm a hiker and I cherish the views from The Horns,
2 Eustis Ridge, Table Land, Mt. Abraham, all peaks that were
3 mentioned earlier tonight.

4 I would not be offended by the site of wind towers
5 producing clean renewable energy from any of these viewpoints.
6 I feel by supporting this project and doing what I know best,
7 and that's helping to take care of our kids.

8 THE CHAIR: Thank you. I think that concludes our
9 public testimony for tonight.

10 We are -- we're not done, however. The Commission is
11 not done, and we're going to ask -- we're going to ask Peter
12 from NRCM and his witness to come down here. We're going to
13 conclude our cross-examination so we get this part of the
14 hearing out of the way.

15 PARTICIPANT: May I have one minute?

16 THE CHAIR: I'm sorry, John, you spoke last night.
17 If you have something else to give us, you can do it in
18 writing.

19 PARTICIPANT: This is a new subject.

20 THE CHAIR: I'm sorry, no. No, no, no. No. I'm
21 sorry, John, you spoke last night. You had the run of the
22 place last night, you put me to shame.

23 Tonight I've got -- I've got other people that --
24 we've been here for 14 hours now, and I've got another hour or
25 two to go. I need to get done.

1 PARTICIPANT: The closing costs, decommissioning.

2 THE CHAIR: John, sit down, please.

3 PARTICIPANT: Why don't you sit down.

4 THE CHAIR: Because I'm running the meeting, not you,
5 so please sit down.

6 PARTICIPANT: All right. No closings costs.

7 THE CHAIR: No closing talk, I'm sorry.

8 PARTICIPANT: No closing cost. Who's going to pay
9 for closing this plant?

10 THE CHAIR: Peter, would you come up, please.

11 EXAMINATION

12 (Of Mr. Winer)

13 BY MR. THALER:

14 Q. In your financial analysis of giving up Redington, did you
15 include a value on the mountaintop of Redington either from a
16 conservation buyer or as an outright sale to defray costs of
17 the Black Nubble project?

18 A. I did not.

19 THE CHAIR: Steve, do you have a question? We're
20 going to let the Commission ask their questions of these folks
21 before we turn it over to Jim, and I'm assuming -- I don't know
22 who else of the intervenors wants to ask questions.

23 MR. THALER: I have the list.

24 THE CHAIR: Jeff, go ahead, please.

25 BY MR. THALER:

1 Q. Mr. Winer, just to quickly try to summarize your
2 testimony, are you suggesting that Edison or some other major
3 wind company would invest whatever the cost would be for a
4 smaller project, say \$100 million, with no fixed price,
5 ten-year power contract?

6 A. No, I didn't say that.

7 Q. Wouldn't that be the practical consequence, that
8 Constellation said it couldn't increase, wasn't willing to
9 increase 25 percent?

10 A. No, that's not correct.

11 First of all, there's more than one way to reach the
12 25-percent difference, and I outlined some of those ways in my
13 testimony. Not supposed to have complete solution, but we've
14 talked a lot about tool boxes and their financial tool boxes as
15 well.

16 Those would include ways to trim the costs back from
17 \$105 million project; attempts to improve the revenue stream,
18 and those would involve some increase in the pricing; and
19 perhaps as part of the cost trim back, working with the
20 suppliers to see if there are ways to bring those costs down as
21 well.

22 One of the things I noted when I reviewed your
23 material was that you've got 150 kV line, which is needed
24 because you have 90 megawatts. If you cut back to a
25 54-megawatt scenario, 34.5 kV line would normally be

1 sufficient; and I think if you do the cost analysis of that,
2 you'll find that the reduced installation costs more than
3 offset some slight increase in electrical loss you receive
4 along the line.

5 I'm not an electrical engineer.

6 Q. I was about to ask you that. If you could just let me ask
7 my question and answer them.

8 A. You gravely mischaracterized my earlier answer, though.

9 Q. Well, I apologize if you think I gravely mischaracterized
10 it.

11 But in fact, you're not an electrical engineer;
12 correct?

13 You're an attorney; isn't that right?

14 A. I'm an attorney and a financial person; that is correct.

15 Q. Is it true that a 34.5 kV line would have more line
16 losses, in other words, it would lose more energy, electricity,
17 electrons as the electricity moves through it than a 115?

18 A. There would be additional heat costs, as you say.

19 Q. Is it also true that if this project, for example,
20 changed, this project configuration, from 115 kV line to what
21 you suggest, 34.5, that that would be deemed a material
22 modification under the ISO New England tariff rules? Are you
23 are aware of that?

24 A. No; but I did talk to the ISO people about what would
25 happen if you adjusted the project from 90 to 54 megawatts.

1 Q. Well, you just said people. Your testimony, your written
2 testimony, said some unidentified person you called at ISO
3 New England; isn't that true?

4 A. There are people there, that's right.

5 Q. There's a difference between person and people, would you
6 agree? Sir, is that true?

7 A. I spoke with several people at ISO. In the process of
8 talking with them, my question was referred to an expert who
9 came back on the line and said, if you go from 90 megawatts to
10 54 megawatts -- he didn't say that.

11 He said, if you go from one size to a smaller size --
12 I did not identify the project for obvious reasons -- that
13 would not cause a problem, you will not lose your place in the
14 queue.

15 Q. Did you look at Schedule 22 of the ISO New England tariff
16 that Mr. Garwood talked about earlier?

17 A. I did not.

18 Q. By the way, you said that in order to do a smaller
19 project, consumers or whoever was buying the power would have
20 to pay more for it under your tool box scenario; correct?

21 A. I'm -- that would be a likely outcome. If you could
22 negotiate a lot of other benefits, maybe you would be able to
23 avoid that; but I give you the likelihood that you would need
24 to increase the price.

25 Q. Right. And the price increase would be therefore absorbed

1 by the Maine customers if they were willing to pay that extra
2 price; correct?

3 A. Whoever Constellations sells the output to would pay that
4 extra price; that is correct.

5 MR. THALER: Let me move quickly to Mr. Didisheim
6 since I'm short on time.

7 EXAMINATION

8 (Of Mr. Didisheim)

9 BY MR. THALER:

10 Q. Peter, you showed an exhibit to the Commission that had a
11 list of 4,000-foot mountains in Maine, and you pointed out that
12 all but two of them are already under public protection; do you
13 recall that?

14 A. Yes, I do.

15 Q. And the two that weren't are both privately owned;
16 correct?

17 A. That's correct.

18 Q. One of them is Sugarloaf, where we are now, and the other
19 is Redington; is that right?

20 A. 517 acres are owned by the Applicant, and the rest is
21 owned -- but yes, a private timber company.

22 Q. Right. Is it also true that -- are you aware of any
23 conservation groups who made efforts to buy Redington before
24 Endless did in 1998 in order to conserve it?

25 A. No, I'm not aware. I do know it was a high priority for

1 the Appalachian Trail Land Trust.

2 Q. All right. But it was on the market, it could have been
3 bought by conservation groups, and preserved back in the '90s;
4 is that correct?

5 A. Sure. It could have been preserved. My point was that
6 it's a significant feature on Maine's landscape and according
7 to LURC policy, it would seem to be the type of resource that
8 you want to try to protect and currently is protected from
9 development through its zoning.

10 Q. I'll talk about the zoning in a minute, but let me move
11 quickly.

12 You're not a landscape architect, are you?

13 A. I'm not a landscape architect.

14 Q. Okay, Mr. DeWan is a licensed landscape architect, a man
15 that you've employed before; correct?

16 A. We absolutely have.

17 Q. Would you agree that you respect his professional skills
18 and integrity?

19 A. For the project that we hired him for, we have respected
20 the outcome, yes.

21 Q. So when you say that a Black Nubble-only project that
22 you're suggesting here would "significantly reduce visual
23 impact" on the current project, have you done an actual
24 mile-by-mile assessment of the views from the Appalachian Trail
25 comparing a 90-megawatt project to a 54-megawatt project?

1 A. We have looked at every single photo simulation that
2 everyone has done, including Terry DeWan, and proponents of the
3 project.

4 We have Photoshopped out turbines on Redington, and
5 to the layperson it is obvious that there is a substantial
6 reduction in individual impact in some locations, priority
7 locations, such as Sugarloaf Cirque, they disappeared
8 completely. You cannot see Black Nubble.

9 Q. Mr. Didisheim, isn't it true that Sugarloaf Cirque is the
10 only place that both Mr. Crews and Mr. DeWan have shown where
11 there would be views of the project where it would make a
12 difference that Sugarloaf Cirque, you would have that positive
13 visual impact changes suggested, but everywhere else that
14 9 percent of the trail -- 9 and 10 percent of Mr. DeWan and
15 Mr. Crews has said where you see some part of the 90-megawatt
16 project, the only change from reduced project would be at
17 Sugarloaf Cirque; isn't that true?

18 A. No, we disagree with that. Reducing the number of
19 turbines is a reduction of visual impact at all locations from
20 our perspective.

21 Q. Have you offered any expert evidence in this case to back
22 up what you just said?

23 A. I have not but --.

24 Q. All right, thank you.

25 Let me ask you, you were questioning Mr. Lee earlier

1 and then mentioned to the Commission that back in 2002 what he
2 was looking at at that time was a project size 50 megawatts of
3 29 turbines; do you recall that?

4 A. Yes, I was at that preapplication hearing, as you were as
5 well.

6 Q. It was a long time ago. Since then, the current project
7 is one more turbine 30 megawatts -- sorry, 30 turbines but an
8 extra 40 megawatts to 90; correct?

9 A. Yes.

10 Q. So the project currently is one more turbine, 40 more
11 megawatts. Would you agree that the extra 40 megawatts -- I
12 understand the issue about size and scenic impacts -- but from
13 the perspective of avoided emissions and production of clean
14 renewable energy, that the 40 megawatts is a substantial
15 increase?

16 A. Increase in what?

17 Q. Well, the 40 megawatts --

18 A. There's more power. Yes, that's my point.

19 Q. The mathematical proposition is 80 percent larger, 90
20 megawatts to 50; correct? Then you have to do the
21 kilowatt/megawatt hours.

22 A. You've gone from a 1.5-megawatt machine to a 3-megawatt
23 machine. Everything is larger, the scale, the size of the
24 turbines, the visual impact, and the power generation.

25 Q. I think you also mentioned, you were talking earlier in

1 your written testimony about hydro and other options.

2 Are there any proposals for new hydro facilities in
3 Maine that you're aware of? Any substantial hydro facilities?

4 A. No. Greenfield Hydro, there is repowering underway, some
5 of which NRCM has been involved with and supported and helped
6 facilitate. They're just increasing power generation out of
7 existing dams.

8 Q. Right. Let's talk quickly on wind, and again you've
9 mentioned and showed some information about the classes of
10 wind.

11 Class 3 wind, would you agree that a project that was
12 sited where there was Class 3 wind would require more turbines
13 to generate a comparable output to a project that's in a Class
14 6/7 wind regime?

15 You don't know the answer to that, do you?

16 A. Turbines in a Class 3 would require more turbines to
17 produce the same amount of power as the number of turbines in a
18 Class 7, is that the question?

19 Q. The question is, isn't it true that a site with Class 6/7
20 wind compared to a Class 3 wind location with the same number
21 of turbines in each location would generate more power than
22 Class 6/7?

23 A. Everything else equal, yes.

24 Q. Let me just ask you -- let me move to my final remarks in
25 the interest of time.

1 You talked about the zoning for LURC right now in
2 terms of Redington. I assume you mean the PMA zone?

3 A. That's correct.

4 Q. Are you aware of the land uses currently allowed in the
5 PMA district?

6 A. I'm aware that a wind farm is not allowed in a PMA
7 district.

8 Q. Are you aware of the uses that are currently allowed in a
9 PMA district under the land use plan and zoning for LURC?

10 A. Generally, yes.

11 Q. Would you generally agree that those uses include some
12 roads, trails, timber harvesting, signs, certain utility
13 facilities can be allowed by special exception, including
14 structures associated with public utilities, radar, radio,
15 television, other communication facilities, transmission lines,
16 or things like that.

17 Are you aware of that under the current zoning?

18 A. Yes, those are allowed and a wind farm is not.

19 Q. That's why we're here for rezoning. I would agree with
20 you on that.

21 And last, let me just show you an exhibit that I'll
22 pass out to the Commission, but you may remember you made a
23 presentation to them back on December 7, 2005.

24 Do you recall doing that?

25 A. Certainly.

1 Q. Do you recall that -- let me just quickly offer hopefully
2 the right number of copies for the Commission -- thank you,
3 Mr. Wight -- do you recall -- this is portion of what you
4 presented. I didn't copy everything in the interest of saving
5 color toner, but do you recall these having been presented to
6 the Commission by you in which you talked about wind power and
7 perspective?

8 A. I do.

9 Q. If you look at the first page, you were presenting this in
10 order to explain to the Commission why Maine has air quality at
11 times that is unhealthy for some of its younger and older and
12 middle-aged citizens; correct?

13 A. Yes.

14 Q. If you turn to the next page, August 14, 2002, is that a
15 view, I'm guessing, is that Camden Harbor?

16 A. Yes.

17 Q. From Megunticook?

18 A. Yes.

19 Q. Did you show that to the Commission to show the haze and
20 the ozone sometimes that we have in Maine that impairs
21 visibility?

22 A. Yes.

23 Q. And that often comes from and is generated by fossil fuel
24 power emissions contribute to that?

25 A. Yes.

1 Q. The next page you told the Commission that Maine has one
2 of the highest asthma rates in the US; is that correct?

3 A. This is correct.

4 Q. And one of the causes of that high asthma rate, as we also
5 heard from the American Lung Association of Maine last night,
6 relates to the emissions from fossil fuel plants; correct?

7 A. That's correct.

8 Q. You go to the next page, you also told the Commission
9 about power plant pollution and its impact in Maine and the
10 health effects on people in Maine; is that true?

11 A. Just looking -- I mean, they've all seen these
12 presentations, and you've left some pages out. Some of them
13 are purposely left out.

14 Q. That's fine. If you want to submit your full packet
15 again, it's on the LURC website, I'm sure they can find it if
16 they really want to.

17 Did you, by the way, have you looked at this study
18 about mercury contamination for Bicknell's Thrush, the impact
19 on the Bicknell's Thrush?

20 A. Yes, I have.

21 Q. We'll just move along quickly, again, in the interest of
22 time.

23 You showed the Commission a carbon dioxide emission
24 table. Do you agree that the people who talked about natural
25 gas being a clean source of power, do you agree that natural

1 gas does emit a substantial amount of carbon dioxide, which has
2 a similar impact of coal or oil that we've heard about?

3 A. Well, it's a fossil fuel, with a lower level of carbon
4 emissions; but absolutely, it's still a carbon fuel.

5 Q. And it's still substantial. I mean, it's not much below
6 gasoline, diesel fuel, or oil; wouldn't you agree?

7 A. That's correct.

8 Q. You showed them some photo simulations of Redington/Black
9 Nubble and then Mars Hill.

10 Where did you get the photo simulations from?

11 A. The ones of Black Nubble and Redington are from the
12 website of the Applicant; the one from Mars Hill is from the
13 developer of Mars Hill.

14 Q. And threats to birds in the US, do you agree that wind
15 power facilities compared to the items you have there as a very
16 small source of threats to birds in the United States?

17 A. Yes, you're walking me through my presentation.

18 MR. THALER: I have nothing further. Thank you.

19 MR. DIDISHEIM: But you left out some pages.

20 MR. THALER: If you want to argue, Mr. Didisheim, you
21 can do it outside later. Thank you.

22 THE CHAIR: Are you all done?

23 MR. THALER: Yes.

24 THE CHAIR: If I'm reading my notes correctly, the
25 Conservation Law Foundation wanted to have a crack at you.

1 have to admit that people were pretty locked into their
2 testimony positions.

3 But I would like to believe that people will think
4 carefully about the benefits of modifying their position and
5 moving to a compromise.

6 MR. WILBY: Thank you. Nothing further.

7 THE CHAIR: Thank you. This process has stimulated
8 me to ask a question or two. It's now my prerogative.

9 EXAMINATION

10 (Of Mr. Didisheim)

11 THE CHAIR:

12 Q. We've heard a bit of discussion, it seems ironic to me for
13 a whole other reasons that maybe you can address or maybe you
14 can't but now all of a sudden hydro is a wonderful thing. Your
15 testimony provided us examples that compared this to hydro
16 projects.

17 What is the status -- what is going to happen to
18 hydro in the state of Maine, and what is the NRCM's position on
19 this renewable resource and what's happening? Because there
20 are hydro stations being eliminated.

21 A. Our expectation is that there's an amount of hydro power
22 that will be generated in Maine. It's probably fairly stable.

23 We have built a thousand dams in the state of Maine.
24 We have 102 that are generating power. I believe that we have
25 tapped most of the significant gradients that can be tapped for

1 strings popping up in this electrical business, and the one
2 that I would like you to just briefly explain to us is the
3 electrical capacity market.

4 Nobody talked about that earlier, so I would like to
5 know what that is.

6 A. I thought I had a couple of notes. But the concept is
7 this: We are used, as individual consumers, to seeing a bill
8 based on kilowatt hours, which is basically the mix of the
9 amount and the time component. If you run one kilowatt for an
10 hour, it's a kilowatt hour. So that's the energy piece.

11 But that does not necessarily recover the capital
12 costs behind the plant that's used to generate the kilowatt
13 hour. There's a lot of complicated pricing. We touched on
14 that a little bit here.

15 The point is that capacity markets, until very
16 recently in New England, were showing almost no value to
17 capacity even as energy prices were clearing sometimes in
18 excess 10 cents a kilowatt hour. It's just the way market
19 system is set up. We keep wrestling with this. You've
20 probably heard about this for years.

21 Maine, in particular, has been struggling with what
22 locations of this capacity payment system.

23 Without a capacity payment system, the only way a
24 capital intensive project can work is if the energy component
25 is deemed or expected to cover both the installed the costs,

1 the capacity, and the operating cost, the energy. It's not an
2 exact match.

3 The various people around the region who are more
4 deeply involved in this whole set-up than I am have been
5 struggling with how do we provide some incentive that is more
6 of a fixed, more stable-based payment to increase capacity to
7 come on line when we need it.

8 The system as a whole, it keeps going up a little
9 bit, it's not steady but it's going up year after year, there's
10 adjustments.

11 So we need some payment system -- at least this is
12 the current thinking -- that provides an incentive to
13 construct.

14 So this would be -- and I think in my testimony I
15 touched on this, maybe not exactly -- paid on dollars per
16 kilowatt or dollars per kilowatt month.

17 And so the system that was just approved by the
18 Federal Energy Regulatory Commission has a schedule that says
19 that existing and new generation will get paid according to an
20 agreed-upon schedule.

21 The settlement was approved, and that will provide
22 revenues to both existing plants for being there and delivering
23 instantaneous power and to new projects, including new
24 renewable projects and including new intermittent renewable
25 projects.

1 I hope that that's somewhat responsive to your
2 question. If not, I'll try again if you like.

3 Q. It's a revenue stream -- it's a true revenue that flows to
4 the owner; is that correct?

5 A. It would go to the owner or the owner of the capacity
6 rights.

7 Q. And it's basically a fixed amount; it's not time dependent
8 or volume dependent, if you will. It's fixed cost -- it's a
9 fixed revenue as opposed to variable revenues driven by
10 kilowatts?

11 A. Yes, that's correct. For an intermittent, such as wind,
12 the way in which the valuation would be calculated would be
13 based on -- let's take this project and let's just assume for
14 round numbers -- that it has a 30 percent capacity factor.

15 That factor would be put into the formula computing
16 the amount of payment that would be received because it's not
17 available 100 percent of the time.

18 But you're right, it would establish a monthly level
19 of payment that you can then mathematically translate and say,
20 well, in our estimation it's 5 to \$10 per megawatt hour, .5
21 cent to 1 cent per kilowatt hour in value.

22 The schedule is set into 2010, and after that there's
23 a formula that goes forward.

24 Experts I've talked to on that have basically said,
25 yes, there will be an auction but the way the system works, you

1 can expect to receive a certain amount of dollars there.

2 BY MR. WIGHT:

3 Q. Is this paid by the rate payer?

4 A. Yes. But I might add, there's a certain revenue
5 requirement for each of the projects that operate, and there
6 can be an interactive effects.

7 In a wind project, if you have a developer and
8 they're going to get a certain amount for the energy and a
9 certain amount for their capacity, then you would expect in
10 somewhat a competitive market that the REC price -- we've been
11 talking about -- could be effected if the revenue requirement
12 is more than satisfied.

13 THE CHAIR: Marcia, go ahead.

14 MS. SPENCER-FAMOUS: Please bear with me. Bart
15 brought the subject up. Pete, I have a quick question for you
16 just to help with my thinking in terms of hydro power.

17 When was the last time a new hydro facility was built
18 in the state of Maine?

19 A. Angus, are you still in the room?

20 Q. I think it was Paris, Maine, possibly in the '70s maybe?

21 MR. THALER: That's about right.

22 EXAMINATION

23 BY MS. SPENCER-FAMOUS:

24 Q. And before that, do you know when one was built before
25 that?

1 A. I don't know, but there's others in this room who do know.

2 MR. WILBY: Monty Station in Lewiston, I believe,
3 built by Central Maine Power, I want to say in the late '80s
4 maybe 1990.

5 Q. Okay. So before Monty Station?

6 A. Hydro Kennebec in Winslow was fairly recent, 15 megawatts.
7 But, boy, you're going to ask me to sort of go backwards on all
8 the hydro facilities in Maine. I can't do that.

9 Q. I guess I was just trying to establish, you know, really
10 is this something that's an active thing, or is it more
11 something that is diminished?

12 A. Building of new hydros?

13 Q. Yes.

14 A. I can answer that. Currently there has not been any major
15 hydro development, new development of new facilities, as Pete
16 said earlier, in a long time, in the generation.

17 The last major proposal that I'm familiar with was
18 Basin Mills proposed by Bangor Hydro in the late '80s, early
19 '90s, and that was permitted by DEP, I believe, but never
20 built.

21 There's none on the drawing board.

22 MS. SPENCER-FAMOUS: Okay, thank you.

23 THE CHAIR: I think that with that I thank you very
24 much for sticking it out with us this late at night, and I hope
25 you get home sometime tonight.

1 Thank you for staying with it and all of you for
2 staying with us, and all of the intervenors for letting us get
3 this far tonight. We're not exactly back on schedule but we're
4 pretty close.

5 So with that I'm going to recess this hearing until
6 tomorrow morning at 8:30. We'll see you all then. We'll get
7 started very early.

8 Thank you very much. Good night.

9 * * * * *

10 (The hearing was suspended at 10:19 p.m. on August 3,
11 2006.)

12 * * * * *

13 (The hearing resumed at 8:32 a.m. on August 4, 2006.)

14 * * * * *

15 THE CHAIR: Good morning, everyone. We're going to
16 get underway here in just a few minutes with the usual
17 administrative material that I have to read into the record,
18 and after that we're going to get started with our continuation
19 of direct testimony.

20 Just for the record, my name is Bart Harvey, I'm the
21 chairman of the Commission. Commission members present are
22 Steve Shaeffer, Steve Wight, Gwen Hilton, and Rebecca Kurtz;
23 and Commission staff, Marcia Spencer-Famous and Melissa
24 Macaluso, and Fred Todd is somewhere here, and Jeff Pidot, our
25 counsel from the Attorney General's office.

1 As before the hearing is being held pursuant to the
2 Title XII MRSA 685-(a) and our Commission's rules that are
3 found in Chapter 5.

4 And we're continuing to receive testimony in the
5 matter of zoning petition ZP 702 in the case of Maine Mountain
6 Power, LLC, request to rezone 1,000 acres of Redington
7 Township, Franklin County.

8 As I stated, we'll be continuing our hearing with
9 direct testimony from intervenors and the cross-examination of
10 them and their expert witnesses.

11 Marcia, are you going to do a little overview or are
12 we going to dispense of that this morning?

13 MS. SPENCER-FAMOUS: I was going to make the
14 statement about the new criteria.

15 THE CHAIR: Thank you. As before, after your
16 presentation, the Commission and their staff will have an
17 opportunity ask questions if they wish, and then we'll proceed
18 directly to cross-examination by the Applicant in this case.

19 As before, all witnesses must be sworn and we ask you
20 to state your name and your affiliation before you give your
21 testimony.

22 Please make sure to use the microphone so the court
23 reporter can hear you clearly.

24 And Marcia's brief comments will be in the context of
25 making sure that all the testimony is relevant to the

1 Commission's criteria for this rezoning.

2 I should have read that last night probably.

3 We'll talk at the end of the hearing. We'll talk
4 some more about the hearing record remaining open, but in the
5 interim, it will be a couple of weeks with rebuttal time built
6 into that.

7 At this time I would like to swear in all the
8 witnesses who we'll be hearing from. I would appreciate it for
9 today, this afternoon, and this morning.

10 Would those people please rise so I can see who you
11 are.

12 (PARTICIPANTS SWORN EN MASSE.)

13 THE CHAIR: Marcia.

14 MS. SPENCER-FAMOUS: I'm not going to read the entire
15 staff statement, but I am going to remind everybody that this
16 is a rezoning. It is from a high mountain subdistrict to
17 planned zoning subdistrict preliminary plan, and the review
18 criteria particular to that process for a planned development
19 subdistrict is contained in Section M-21-G-8 that defines and
20 describes the relevance submittal and also the relevant review
21 criteria for the Commission to make a decision.

22 So I refer you back to that to read that again to
23 read about the development criteria.

24 THE CHAIR: With that I think we're ready.

25 We're going to -- this morning we're going to try and

1 get done the National Park Service direct testimony and the
2 ATC/MATC/AMC intervenor group, as they both have people that we
3 have to try to get out of here at some point.

4 Is everybody happy with that? Probably not.

5 That's what I'm going to do, okay.

6 Since Jeff tells me that I am in charge, I'll be in
7 charge.

8 So the National Park Service, whoever your
9 spokesperson is, you can come up. We will proceed.

10 MS. UNDERHILL: I'm happy to go ahead and get started
11 while he's moving those.

12 Good morning, Mr. Chairman and members the
13 Commission. My name is Pamela Underhill. I am the National
14 Park Service manager for the Appalachian Mountain Scenic Trail.
15 My office is in Harbor, West Virginia.

16 I have worked for the National Park Service on the
17 Appalachian Trail for almost 28 years and have served as the
18 superintendent and park manager for almost the last 11 years.

19 My existing staff and I combined have 126 years of
20 experience in protecting and managing the Appalachian Trail.

21 It's my pleasure to be here this morning representing
22 the National Park Service and the Appalachian National Scenic
23 Trail, and I have to tell you my favorite thing about this
24 hearing so far is that it's your hearing and not my hearing.

25 Somebody once said and it has oft been repeated that

1 the National Park idea was one of the best ideas the American
2 people ever had.

3 Yellowstone was our first designated National Park in
4 1872. This are today 390 units of the National Park system.
5 All represent some national and significant aspect of our
6 national and cultural heritage. The areas that now comprise
7 the system and those that will be added in years to come are
8 cumulative expressions of our single national heritage.

9 The units represent the very best of our nation's
10 natural and cultural heritage. They are a legacy that we must
11 protect and leave for future generations, and they warrant the
12 highest standard of protection.

13 Maine is blessed to have two units of the National
14 Park System here in this state: Acadia National Park and the
15 Appalachian National Scenic Trail.

16 The section of the Appalachian Trail in Maine that
17 traverses the state is some of the wildest and most spectacular
18 landscapes of the entire Appalachian Trail.

19 The section here in western Maine provides visitors
20 with the very best of what the trail has to offer: Outstanding
21 opportunity for, observation enjoyment, and exploration of the
22 natural world, a sense of remoteness and detachment from
23 civilization, a sense of being on the height of land, a feeling
24 of being subordinate to the natural world, and unparalleled
25 views of the surrounding western Maine countryside.

1 I appreciated Mr. Pidot's comments yesterday with
2 regard to representations by the project proponents and their
3 experts that views of the wind farm wouldn't only involve
4 9 percent of this 32-mile section of the trail.

5 In my opinion, everything about it cannot be reduced
6 to percentages, and especially in an effort to try to diminish
7 the impact and effect of this project on the experience of
8 people hiking this section of the Appalachian Trail.

9 People come to our national parks as special places
10 like the Appalachian Trail because there's a sense of place
11 there and because they want to experience and be part of that.

12 It's an overall experience, and you can't portion it
13 out and try to diminish the impact of a project like this on
14 that experience by reducing it to percentages.

15 In addition, I think as Mr. Pidot pointed out, hiker
16 behavior is such that there's a tendency to stop at viewpoints
17 and spend time there and look. That's a big part of why people
18 are there.

19 The National Park Service entered into an interagency
20 agreement with the USDA Forest Service to conduct a visual
21 analysis of the proposed project. We have Eric Crews here with
22 us, a landscape architect with the US Forest Service, and his
23 testimony will -- you will hear shortly.

24 Based upon that testimony, the National Park -- and
25 based upon his analysis -- the National Park Service has

1 concluded that the proposed Redington Wind Farm project would
2 have an unmitigated negative impact on the resources and values
3 of one of the most scenic and remote sections of this treasured
4 unit of our National Park System.

5 It has been suggested by some that beauty is in the
6 eye of the beholder and that in the future visitors to the
7 Appalachian Trail in western Maine can get a sense of their
8 cultural landscape by looking up over the Redington Wind Farm.

9 I would like to suggest that there will be plenty of
10 opportunity as time passes for people to go places and get a
11 sense of their cultural landscape. There will be ever
12 diminishing opportunities for people to go to places to
13 experience the natural world.

14 We are starting to raise generations of kids who have
15 no exposure or experience to the outdoors and the beauty of
16 nature. Some of you may have heard of a book called, The Last
17 Child in the Woods, by Richard Louv, saving our children from
18 nature-deficit disorder. It's an important concept and the
19 Appalachian Trail has a big role to play in helping to save our
20 children from nature-deficit disorder.

21 Obviously we have to change our ways to create a more
22 sustainable existence for ourselves on this planet.

23 We have been somewhat glutinously consuming of a
24 nonrenewable resource to generate energy for far too long; but
25 as we retreat from our love affair with petroleum, let's not

1 compound our shortsightedness by skittering off into a panic
2 and sacrificing our most precious places and resources to
3 achieve more sustainable ways of generating energy.

4 The Appalachian Trail is one of those most precious
5 places as a unit of our National Park System, as the world's
6 most famous long-distance hiking trail, as the grandfather and
7 flagship of the National Trail System, and as the extraordinary
8 gift of thousands of volunteers to the American public.

9 In closing, the American people have invested heavily
10 to protect the Appalachian Trail. I would like to just close
11 by reading a statement from the comprehensive plan for the
12 Appalachian National Scenic Trail.

13 Because the National Park Service, while it has been
14 entrusted with these most special places to preserve for
15 present and future generations, the National Park Service
16 cannot take care of these places solely by itself.

17 The comprehensive plan for the Appalachian Trail
18 states, It is clear that the long-term protection of the
19 Appalachian Trail rests not so much with acquiring tracts of
20 wild land as with the relationships, which are established with
21 National Forests and Parks, State and local agencies, and the
22 people who own land or reside along the trail. The trail that
23 needs to be perpetuated includes more than a narrow footpath,
24 and the scheme for protecting these values must thus be broader
25 than simple ownership of land.

1 Trail clubs, the Appalachian Trail Conservancy, the
2 Forest Service, and the National Park Service share equally in
3 the responsibility for creating a climate of concern for the
4 trail and for finding the conversions of interest between trail
5 users, entities, and communities.

6 Only through the continued use and growing
7 recognition of the Appalachian Trail as a valued resource with
8 actions and policies backing that recognition will trail values
9 be perpetuated.

10 And so as I said in my written testimony, the
11 National Park Service strongly hopes that Maine will be part of
12 a continuing climate of concern for the Appalachian Trail here
13 in western Maine.

14 Thank you.

15 MR. CREWS: Good morning. My name is Eric Crews, and
16 I'm a landscape architect with the US Forest Service. I have
17 served in that capacity for 15 years, and in that time have
18 been a scenery management specialist of forests.

19 I've also led efforts to establish a standard
20 software for use across the agency for simulations of terrain
21 modelling and have taught the scenery impact analysis
22 techniques and terrain modelling techniques on a routine basis.

23 The Park Service asked me to conduct a scenery impact
24 analysis of this project from the Appalachian Trail using a
25 digital management system, which you've heard others refer to

1 yesterday.

2 The visual management system, and its subsequent
3 update, the scenery management system, were developed by Forest
4 Service landscape architects. The original systems goes back
5 to the mid-70s and has been in continuous use by the Forest
6 Service since that time.

7 Using the visual management system to inventory and
8 analyze the potential impacts of this wind farm, I conducted a
9 field survey and a GIS analysis and prepared the simulations
10 from several viewpoints. Three of the viewpoints I actually
11 visited on the ground. Other viewpoints are known vistas
12 inventoried by the Appalachian Trail Conservancy or analyzed by
13 Mr. DeWan.

14 There are three factors considered in the visual
15 management system: The viewing distance, the sensitivity level
16 of the ground from which the area is viewed, and then the
17 landscape character of the project area.

18 In my written analysis -- testimony -- you'll see
19 that landscape character is described, including the existing
20 human modifications to the landscape, such as the timber
21 harvest, the ski areas, roads, and other development; and that
22 is taken into consideration in our overall analysis, though
23 they may not be depicted in the exact detail in these
24 simulations.

25 The sensitivity level is based on the observer

1 concern levels and from the Appalachian Trail the users come to
2 the trail expecting to see beautiful scenery, natural appearing
3 landscapes, and this area certainly has a natural appearing
4 landscape.

5 Even though there is timber management in the area,
6 the overall appearance of the landscape is natural appearing,
7 and that is evidenced by the four figures -- photographs --
8 that are in my written testimony.

9 The third factor is the distance, the viewing
10 distance. The closer you are to the activity, the more
11 potential impact there is from it.

12 There's been some discussion of foreground/background
13 as related to linear distance from the viewpoint.

14 It really needs to be emphasized that it is more
15 related to the perceived textures or patterns on the ground,
16 like, for example, if you look out this window to the Avery
17 Peak across the way here, that's 6.5 miles away.

18 It would be considered background if you just
19 measured that out. But if you can see, on that mountain, there
20 is a fire tower up there that I understand is about 20 feet in
21 height and you can clearly see that on the ridgeline from 6.5
22 miles away.

23 So considering these three factors, I inventoried
24 this area Sensitivity Level I in the visual management system,
25 the details of which are in the written testimony. The

1 viewpoints are middle ground and background. There are no
2 foreground viewpoints from the Appalachian Trail. And the
3 landscape character is what we call a Biradi Class B.

4 Using those factors in the visual management system,
5 the area would be inventoried and managed as what's called a
6 partial retention field quality objective. That's a management
7 goal for any activities that would occur on the land to meet
8 the criteria of quality retention, quality objective.

9 The partial retention visual quality objective is to
10 find those activities that bar from the form line common
11 texture of the existing characteristic landscape to such a
12 degree where they remain a subordinate feature in the
13 landscape, but they do not dominate the landscape based on
14 those components.

15 After doing my field review -- and I visited
16 Sugarloaf Cirque, Sugarloaf Summit, and Saddleback Junior --
17 and from all three of those points, there are open vistas of
18 the project area.

19 Then I also did a GIS analysis to try to determine
20 how much of the trail, this 34-mile section and the side views,
21 would offer potential views of the project area and found
22 that -- the way I did that was with a scene area analysis from
23 the project area projected back over to the Appalachian Trail
24 route, and then used digital orthoimagry to identify open areas
25 of vegetation, and where those overlapped potential views,

1 intermittent or open views.

2 I found that approximately 3.8 miles would offer
3 views.

4 Those locations are dispersed throughout that entire
5 length of the 34-mile segment. So anybody hiking this section
6 of trail would have potential views throughout their entire
7 hike.

8 If it took them four days to hike this section, they
9 would have views of this project area at least every hour and
10 many of these views are open vistas.

11 I modelled seven non viewpoints and one potential
12 viewpoint that is the North Crocker Mountain viewpoint. I've
13 not been to that site. Terry DeWan's report had indicated that
14 there was an intermittent view there, and I modelled that view
15 to demonstrate the dynamic nature of the environment here.

16 The vegetation there could be -- now it screens the
17 view, as Terry pointed out yesterday, but with one ice event,
18 it could wipe that whole screening vegetation, foreground
19 vegetation, out.

20 And the wind farm is a long-term proposal and, if not
21 permanent, so the consideration of viewpoints that may have the
22 potential and at some future day, it should be considered.

23 That's why I modelled that viewpoint and put it in
24 the testimony here.

25 I would like to point out, as Mr. DeWan did, I show a

1 road in Viewpoint G simulation, and that was taken directly
2 from the Endless Energy CAT file, which was this source data
3 from us in the simulation. Apparently that is a route that was
4 evaluated and dropped, and as Mr. DeWan said, it was dropped
5 for scenery reasons, yet the only place you would see it is
6 from the North Crocker viewpoints or the South Crocker
7 viewpoints, which he says are now grown up.

8 So that's something to consider.

9 If I may take the microphone over and show you the
10 simulations.

11 The four viewpoints that I have simulations done from
12 here are Saddleback Junior, which is an open outcrop and alpine
13 area. This is Mt. Abraham summit. This viewpoint here is
14 Spaulding Mountain summit, which both of these are side trails,
15 blue-blazed side trails of the AT, and this is Sugarloaf
16 Cirque.

17 The viewing distance of these various locations is
18 indicated on the images. One thing that is critical in
19 producing any sort of simulation is that you have to know the
20 field of view of the simulation, and it's also referred to as
21 equivalent focal length.

22 All of these simulations are produced using a
23 50-millimeter focal length, which is 38.6 degrees field of
24 view, and all these images are printed to the same size. From
25 this edge to this edge, it's 38.6 degrees field of view.

1 And using that information, you can -- and your
2 output image size -- you can then calculate the distance you
3 must stand away from the image to get a real world scale, to
4 get a sense of what these things would actually look like out
5 there on this viewpoint.

6 The images in my written testimony would be viewed at
7 21 inches away to get that real world scale. These images are
8 twice that size and would have to be viewed 42 inches away to
9 get that real world scale.

10 Now, the resolution on these images is twice that of
11 a 6 megabyte visual camera. It's 4,500 pixels wide, which the
12 resolutions, when you're looking at simulations, it's also a
13 very critical item because there's no way to replicate the
14 clarity of the human eye.

15 Our highest resolution portion of our vision is
16 within a 40-degree trump of view. When you get outside of
17 that, the peripheral vision is blurred, it's not as sharp, and
18 so when you produce wide-angled images like these down here, it
19 tends to make the project area appear smaller because you're
20 showing a much wider area.

21 From these viewpoints -- from the Saddleback Junior
22 viewpoint, there are 16 turbines visible on Black Nubble and 12
23 visible on Redington. It's an open view. The distance to the
24 nearest turbine on Black Nubble is 4.1 miles; the distance to
25 the nearest turbine on Redington is 4.6.

1 Mt. Abraham, all 30 turbines would be visible from
2 this location. The nearest turbine is 4.1 miles away. Again,
3 as I said, Avery Peak is 6.5 miles away.

4 So when you step outside, you get a sense, this is
5 2.5 miles closer.

6 Mt. Spaulding is another side trail, it's got an open
7 view. It's about 100 yards off the Appalachian Trail, and from
8 this location you see 30 of the turbines, and they're visible
9 at a distance of 3 miles.

10 From Sugarloaf Summit -- I mean, Sugarloaf Cirque,
11 there are 12 turbines on Redington visible, and they're visible
12 at a distance of 2.9 miles.

13 Now, in Mr. DeWan's exhibit over here, even though he
14 indicates that they visited this section of the trail that goes
15 from Saddleback Mountain across the Horn, down to Saddleback
16 Junior, to Poplar Ridge, and Abraham and Spaulding, he failed
17 to include any images from the Horn, from Saddleback Junior,
18 from Mt. Abraham, or from Spaulding Mountain. In my opinion,
19 these are the most critical views in the analysis. They're
20 viewed at a distance 3 to 4.1 miles, and the towers will be
21 quite noticeable from that location.

22 Down here he shows the image from Mt. Abraham, but
23 it's looking back to the east. He shows some of the timber
24 management activities, but there is no photograph or simulation
25 showing the project area, so these were omitted from this slide

1 here.

2 The Horn, Saddleback Junior, Spaulding, and Abraham
3 were all looked at for this analysis that is displayed here.

4 Another very critical item in these images, these I
5 understand were taken over a period of time, some of them
6 dating back to the '90s. I'm sure various cameras were used to
7 capture these images. They appeared to be digitally stitched
8 together. Whether they were 50 millimeter or 54 millimeter,
9 focal lengths, as I believe is shown in his analysis, to get
10 this wide an angle, these images would have to be digitally
11 stitched together.

12 By doing that you create a very wide field of view,
13 thus making the project area appear much smaller. It serves to
14 diminish the impact or the perceived impact.

15 Also, by stitching those images together, it corrupts
16 their original data that can be used to calculate the view
17 distance from these images.

18 I cannot stand here and tell you how far away I need
19 to stand to view these images to get a real world scale because
20 they've been stitched together and I no longer know how much
21 overlap there was to be able to determine the printed width and
22 use the trigonometry formula to calculate the distance the view
23 is from.

24 Another point, I used the latest, most advanced 3D
25 terrain modelling software. I was part of -- or headed up a

1 committee to study all the software products available on the
2 market for the agency and to identify the one that we wanted to
3 adopt as a standard for the agency.

4 I was appointed that position by our chief landscape
5 architect in Washington, and the result was this product is
6 called Visual Nature Studio. It is far more advanced than the
7 techniques used here.

8 I've been doing photo simulations in Photoshop for 15
9 years, and I know very well that you can manipulate to get
10 whatever results you want. If the turbines appear too bright
11 or too visible, you can simply make that layer a little more
12 transparent and get the results you want.

13 I feel like these simulations in this presentation
14 are misleading.

15 The results of my analysis conclude that these
16 turbines and the associated road system would represent an
17 unacceptable modification to the landscape and would certainly
18 be an undue adverse effect.

19 If I may from the visual management system, there
20 is -- I have the definitions -- unacceptable modifications.
21 It's not a management goal. It is a description in the visual
22 management system of what not to do to any landscape, and those
23 definitions are that the size of activities is excessively or
24 poorly related to the land form and vegetative patterns and the
25 characteristic landscape.

1 The overall extent of management activities,
2 excessive activities or facilities that contrast in form, line,
3 color and textures are excessive, and the duration of visual
4 impact persists or continues for ten years or longer.

5 This project meets all of those definitions. In an
6 individual management system, it's described, you only have to
7 meet one of these for it to be termed unacceptable
8 modification. This project meets all of them.

9 The contrast with the characteristic natural
10 landscapes surrounding in the project area is so contrast in
11 form, line, and color that it is not repeated anywhere else in
12 the landscape, is such a contrast that the scale and the extent
13 of the project area would just overwhelm the view.

14 I can't see how anyone could view this project and
15 make the claim that it would have no undue visual impacts.

16 Thank you.

17 THE CHAIR: Steve.

18 MR. WIGHT: If I may, I would like to ask a couple of
19 questions at this point.

20 I'm Steve Wight. In my other life I've run a
21 recreational outdoor business and I'm a community activist, and
22 as a self styled community activist, I'm heavily involved in
23 trying to procure land for the public and ensure that in the
24 future there will be places for people to go to see natural
25 areas.

1 I'm the president of my land trust; I'm involved in a
2 lot of things.

3 But the reality in Maine -- Pam, I'm glad you're
4 here, I understand you've been here a lot dealing with the same
5 issues -- the reality in Maine is that 94 percent of the land
6 is privately owned, even though it's nice that we have Acadia
7 and we have the National Scenic Trail.

8 So my question, when I go back home I'll be jumping
9 into an incredible political nightmare of people who are
10 fighting against scenic byways, they're fighting against
11 natural heritage areas, they're fighting against national
12 parks, and the reason is, they're afraid that with all those
13 things come Federal control of private land.

14 So my question is, what is the legislation that
15 allows the National Park to regulate the private land beyond
16 the park; and the second is, what are the differences among the
17 various types of units of National Park. Is a National Park a
18 National Park? Is Acadia the same as the trail? Or are there
19 various categories of park lands?

20 MS. UNDERHILL: There are various categories of park
21 land, but I think that I listed some of them off in my written
22 testimony.

23 But I also made the statement in there that there is
24 no cap system within the National Park System. All units of
25 the National Park System are considered equal and collective

1 national heritage.

2 So there's no hierarchy. You know, because something
3 is called a National Park versus a National Historic Park or
4 the National Battlefield, or a National Scenic Trail, there's
5 no hierarchy to that.

6 With regard to regulating private land, the National
7 Park Service has no ability. The Federal government does not
8 have the ability to regulate private land, which is precisely
9 why I'm sitting here today trying to share information with you
10 about the Appalachian Trail so that we can engage you as a
11 partner in helping to protect this area of the Appalachian
12 Trail.

13 I think it might also be worth pointing out that the
14 Appalachian Trail is managed unlike any other unit of the
15 National Park System.

16 The Trail truly was created by the people, for the
17 people, and it is continues today to be managed by citizen
18 volunteers like the volunteers of the Maine Appalachian Trail
19 Club. There are 31 of those clubs up and down the likes of the
20 trail from Maine to Georgia.

21 There are about 5,000 active volunteers who
22 contribute some 200,000 hours every year to the management and
23 maintenance of the Appalachian Trail.

24 And the National Park Service, actually back in 1984,
25 formally delegated management responsibility to the public

1 lands that we were acquiring as part of the Appalachian Trail
2 corridor to the Appalachian Trail Conservancy, who in turn had
3 sort of sub assigned those responsibilities to the volunteers,
4 the Trail Club.

5 So this trail truly is -- I have a staff of nine
6 people in the National Park office for managing the Appalachian
7 Trail. The National Park Services had acquired close to
8 110,000 acres of land outside of many other public land
9 jurisdictions as part of this protected corridor for the trail.

10 So it's really a very unusual unit in the way it's
11 managed. We very much respect the tradition of volunteer
12 stewardship that the trail has, and believe our volunteers are
13 one of our most precious resources on the Appalachian Trail.

14 MR. WIGHT: And I have been involved in that effort
15 in various ways, and I applaud your efforts.

16 The concern, of course, is how much can you control
17 your view.

18 I tell my neighbors, if you want your view, you've
19 got to own it, because the guy who owns the land has rights as
20 you have rights.

21 I'm not normally a property rights' activist, but I'm
22 beginning to see that there is some truth to that.

23 Eric, the blue-blazed trails, side trails -- I
24 understand how they operate -- are they also part of the
25 National Park corridor, the trail corridor?

1 MR. CREWS: Some of them are within the ownership of
2 where the Spaulding viewpoint is. The 9-acre count viewpoint
3 is there.

4 MR. WIGHT: How about the top of Sugarloaf? There's
5 a blue-blazed trail that goes from the trail up.

6 MR. CREWS: That's correct. I think the ownership of
7 the National Park Service goes about halfway up the mountain.

8 MR. WIGHT: I walked that trail the other day. It's
9 nicely maintained.

10 What percentage of the 200 -- I guess what the number
11 we're using is 2,170-mile Appalachian Trail offers only natural
12 appearing landscapes, which is what you said is the goal.

13 MS. UNDERHILL: I'm sorry, I don't have those kind of
14 percentages, you know, at my fingertips.

15 The trail goes through a variety of landscapes,
16 obviously from Springer Mountain down in Georgia on up through
17 the Smokey Mountains National Park. It goes through six other
18 National Park units. It goes through eight National Forests.
19 It goes through a variety of State game land, State parks, and
20 State forest lands, and then there are the acquired corridor
21 land that the Park Service acquired outside, which generally is
22 an average of 1,000-foot-wide corridor. It definitely wiggles
23 a bit, depending on the values.

24 So, you know, the trail was originally conceived by
25 Brent McKee as a ridge top trail along the crest of the

1 Appalachian Mountains, but clearly it has to come down and
2 cross through valleys and cross over rivers and cross over
3 highways.

4 So although we have never actually formally zoned the
5 Appalachian Trail as such, there clearly are areas that go
6 through more developed portions of the landscape and areas that
7 are more remote.

8 Your part of Maine is some of the wildest and most
9 remote.

10 MR. WIGHT: Thank you.

11 MR. PIDOT: In your testimony, Ms. Underhill, your
12 written testimony, you mention that there were -- have been a
13 number of wind power projects. I think you mentioned seven --
14 but I may recall that incorrectly -- that are near the
15 Appalachian Trail but that the Park Service decided not to
16 oppose.

17 I gather that this is the first time that the Park
18 Service is opposing a wind power project in the vicinity of the
19 trail.

20 I was wondering if you could distinguish for the
21 Commission between those two categories of things, why you
22 didn't oppose the others and why you do oppose this.

23 MS. UNDERHILL: It very much has to do with the kind
24 of characteristics and qualities that Eric was describing in
25 his testimony that are the basis of doing an additional

1 analysis, analysis that has to do with the character of the
2 surrounding land of the trail, it had to do with the remoteness
3 of the trail, and it has to do with the distance of the
4 proposed project from the trail, and our professional judgment
5 as to what the impact of that is going to be on the experience
6 of the visitor.

7 So, yes, there have been seven wind farm projects
8 proposed that were within 10 miles or so of the Appalachian
9 Trail, and for any number of reasons based on where they were
10 located and the distance from the trail, it was our judgment
11 that they were not going to have a significant adverse impact
12 on the experience.

13 That is not the case here. This is one of the most
14 egregious sort of "in your face" major industrial developments
15 on one of the most scenic areas of the trail.

16 So we felt we needed to take a stand.

17 MR. SHAEFFER: I just -- this is kind of a point of
18 reference for the next couple of hours, but for the 34-mile
19 section, the average hiker would take how long to traverse that
20 assuming normal.

21 MS. UNDERHILL: I think we would estimate three or
22 four days.

23 MR. SHAEFFER: Three or four days with like 30, 40
24 hours of hiking, 30 hours?

25 MS. UNDERHILL: Yeah; I think people tend to hike,

1 you know, 10 or so miles a day.

2 MR. SHAEFFER: Just hiking straight ahead without
3 stopping to look, so that 10 percent figure, or 9 percent,
4 would be four hours of exposure to the wind farm without
5 stopping and admiring the view.

6 Is that about right?

7 MS. UNDERHILL: I guess.

8 MR. SHAEFFER: I guess -- and is there a weather
9 factor that we can apply to this, just a rough idea?

10 MS. UNDERHILL: You mean if you were up there and
11 totally socked in and couldn't see anything?

12 MR. SHAEFFER: Yeah. Is there a rule of thumb for
13 hiking this section of the trail visibility throughout the
14 course of the summer?

15 MS. UNDERHILL: I guess I don't know the answer to
16 that.

17 MR. SHAEFFER: Okay. All right. So it would be
18 three to four hours of exposure --

19 MR. CREWS: I would like to say that in doing the
20 impact analysis, one wants to consider the worst case scenario.

21 If you're in an area that has move-through
22 frequently, you want to do the analysis at the time when the
23 visibility is the greatest.

24 You consider the average situation, but you certainly
25 want to conduct the analysis considering worst case scenario.

1 MR. SHAEFFER: Thanks. I just wanted to try to come
2 up with.

3 MS. KURTZ: I have a couple of comments and somewhere
4 work in some questions.

5 In looking at the statutory requirements of rezoning,
6 685(b)-4 of the statute, and it talks about adequate provision
7 putting harmoniously into the natural existing natural
8 environment to ensure that there will be no undue adverse
9 impact on the existing scenic character and natural resources.

10 What struck me about that is the word "harmoniously"
11 and your description of using the contrast in line, form,
12 color.

13 In my mind contrast and harmoniously are
14 diametrically opposed, they're not at all -- they're two
15 different words with two entirely different meanings.

16 And I'm just wondering, is there anything else in
17 that view shed already that would fit harmoniously with a
18 400-foot tower with 150-foot -- diameter or radius?

19 So 400-foot structure, is there anything else in that
20 9 percent for our height period that fits harmoniously?

21 MR. CREWS: The landscape from most of these
22 viewpoints is a natural appearing landscape. You do see some
23 of the logging roads and timber management activities from
24 summit locations, such as Sugarloaf summit, the side trail you
25 see, the communication towers you see, the terminus at the ski

1 lift out there and buildings up there.

2 From the Appalachian Trail itself, I have not visited
3 these locations, but I understand there are a couple of places
4 in particular where you see the Saddleback ski area.

5 In terms of these turbines fitting into the landscape
6 harmoniously, no, Ma'am, I don't think that's possible even no
7 matter the color or -- I can't think of any mitigation that can
8 be applied, other than just removing the bridge, that would
9 allow it to fit harmoniously into the landscape. The contrast
10 is just too great, too great a scale.

11 MS. UNDERHILL: But I think your question may have
12 been more about whether any of the other existing human
13 modification out there could be considered harmonious?

14 MS. KURTZ: Well, whether it's human modification or
15 a natural, any trees, that resemble the shape, line, color of
16 those.

17 In your experience -- I think you had been out there
18 hiking -- how tall are some of the natural features? How do
19 their shapes relate to the line, color, and contrast of these
20 particular items?

21 MR. CREWS: The trees in the upper elevations were
22 spruce. They appear to be 10 to 30 feet in height in areas,
23 like, for example, hiking up to the summit from the Appalachian
24 Trail up to the summit of Sugarloaf.

25 And, no, the forms of the trees and no other features

1 in the landscape that I noticed resembled the form of the
2 turbines in any way, and particularly when combined with the
3 contrast in color and line, no, I didn't see anything up there
4 that resembled that.

5 PARTICIPANT: As a follow up to that question, what
6 would be your -- I think I know -- if these turbines were
7 located in agricultural land along the AT -- I'm not sure if
8 your trail goes around farm fields -- how do you view that from
9 aesthetics.

10 MR. CREWS: When structures such as these are
11 incorporated into a landscape of an urban character where there
12 may be other power lines or other structures and features, they
13 would tend to blend more with the existing landscape character.

14 In this case, the landscape character is that of a
15 natural appearing landscape, and there's nothing there that
16 these things would resemble.

17 MS. SPENCER-FAMOUS: I did have one question.

18 THE CHAIR: I've got one and Catherine has one.

19 How did -- the Applicant and others, you know,
20 pointed out perhaps one of the reasons they chose this area
21 is -- other than obviously the physics of the area, I guess the
22 winds and all that sort of thing -- is that the word major
23 disturbances, which include the ski area and Saddleback, and
24 those obviously are historic, much more historic in the sense
25 than obviously a brand new if facility.

1 But how does that fit into the context of that whole
2 thing? Because obviously, this area here particularly, I
3 assume, is quite visible from the Bigelow range, since we can
4 look right at it from here.

5 How do you view that sort of thing? And obviously
6 there seems to me a fair amount of new stuff being built here
7 that is quite visible, at least from the mountains, I honestly
8 don't know whether you can see them from the trail but you
9 certainly can see the mountains from here -- the new
10 construction.

11 MS. UNDERHILL: I've been on Saddleback Mountain many
12 times, and we've had protracted negotiations with the former
13 owners of the Saddleback ski area in an effort to secure a
14 protected corridor for the trail across Saddleback Mountain.
15 It's actually probably lower by now.

16 The existing ski area in the smaller bowl that it's
17 in is visible for only a very short distance, and it's sort of
18 off, you're hiking north on the trail.

19 It was of great concern to us that there not be ski
20 lifts and ski trips crossing over the Appalachian Trail on
21 Saddleback Mountain. It was also very important to us that the
22 large bowl of Saddleback ski area, you know, not be developed
23 in higher elevations.

24 We are just tickled pink with the new owners of
25 Saddleback and the way they're developing that mountain in a

1 way that seems to be sensitive to the values that we're trying
2 to protect along the Appalachian Trail. We're very happy for
3 the people of Rangeley that the ski area went into new
4 ownership and that they have invested in it when they have.

5 So we just consider that -- you're talking apples and
6 oranges because we have succeeded in protecting the upper
7 elevations there on Saddleback to prevent the ski area from
8 being more visible or intruding more closely on the Appalachian
9 Trail experience there.

10 Does that answer your question?

11 THE CHAIR: It's an answer. I'm not sure that I can
12 expect much different.

13 MS. UNDERHILL: I would try to do more if I knew what
14 you wanted.

15 THE CHAIR: I'm sure that the view here is going to
16 be subject to cross-examination, so I suspect you'll hear from
17 someone more on this issue.

18 MS. UNDERHILL: Okay.

19 THE CHAIR: You know, just in trying to keep balance
20 here that, you know, we do have -- I think we have to
21 acknowledge we do have a fair amount of intrusion on this
22 particular part of the trail that you've expressed some very
23 serious concerns about.

24 MS. UNDERHILL: Yeah, I think it's minimal.

25 THE CHAIR: We have to -- you know, that's kind of

1 what I'm trying to get from you. How do you view what we
2 already have to deal with?

3 MS. UNDERHILL: And we view it as minimal.

4 THE CHAIR: Okay. Marcia, why don't you go ahead.

5 MS. SPENCER-FAMOUS: Actually, a question for you.
6 Do I understand you're from North Carolina?

7 MR. CREWS: Yes, ma'am.

8 MS. SPENCER-FAMOUS: Asheville?

9 MR. CREWS: Yes.

10 MS. SPENCER-FAMOUS: North Carolina has been
11 developing quite extensively, especially in the mountains, up
12 the hillsides, et cetera.

13 I am familiar with that and I am also familiar with
14 the sense of remoteness that's been lost there and the sense of
15 remoteness that remains here.

16 Maine remains a very poor state, that's a fact, so we
17 have to face that.

18 I hear you use the term unacceptable, and I guess I
19 was curious as to what your context for unacceptable is and
20 unacceptable to who and in what way.

21 Maybe you could elaborate on the use of that word.

22 MR. CREWS: First of all, in North Carolina,
23 unfortunately, we don't have a mountain protection zone or any
24 ridgeline protection policies, and it's taken a devastating
25 toll on the scenery in the mountains of North Carolina.

1 Many of those developments I would consider
2 unacceptable modification but there is no protection for them.

3 The term unacceptable modification is directly from
4 the Visual Management System Handbook, and it is defined, as I
5 read earlier, activities that contrast with the natural
6 landscape in form, line, color, texture to such an extent where
7 they appear to be excessive on the landscape. Those are the
8 types of activities that would be considered.

9 It's a terminology straight from the handbook.

10 MS. SPENCER-FAMOUS: This is the handbook for
11 assessing the Appalachian Trail?

12 MR. CREWS: It's the Visual Management System
13 Handbook. It is the Forest Service system for inventorying and
14 assessing scenery impacts for all types of potential management
15 activities on landscape.

16 MS. SPENCER-FAMOUS: For the Forest Service?

17 MR. CREWS: For -- well, it was developed for and is
18 used by the Forest Service and has been adopted and modified by
19 other Federal agencies as well.

20 MS. SPENCER-FAMOUS: All right. Thank you.

21 MS. CARROLL: Good morning, Mr. Crews. Thank you for
22 your testimony. I'm Catherine Carroll, and I've been
23 Commission's executive staff member, and I have two questions
24 for you.

25 Somebody that is pretty well known once said that

1 education is painful -- of the obvious, and I probably have --
2 I have two questions that have two obvious answers, but for my
3 own clarification, I need to ask them.

4 The Commission has the hardest job here in this room
5 to make a decision on this proposal. I have the second hardest
6 job here in that it's my responsibility to formulate a staff
7 recommendation based on the Commission's review criteria for
8 this project.

9 My first question has to do with your presentation
10 and referring to certain vista points, for instance, the
11 Saddleback, the Horn, Saddleback Junior, Spaulding Mountain, et
12 cetera.

13 Are those points that are on the Appalachian Trail?

14 MR. CREWS: Saddleback Mountain, the Horn, Saddleback
15 Junior, Sugarloaf Cirque are all on the Appalachian Trail.

16 Spaulding Mountain is about 100 yards off the trail.
17 It's a blue-blazed side trail; Mt. Abraham is a blue-blazed
18 side trail, that is on State-owned property, of course; and
19 then the Sugarloaf Summit trail is a blue-blazed side trail.

20 The ones that are actually on the Appalachian Trail
21 or that have analyzed in my written testimony are Saddleback
22 Mountain, the Horn, Saddleback Junior, and Sugarloaf Cirque.

23 MS. CARROLL: Thank you. My second question ties
24 more into as I'm listening to testimony and thinking about the
25 Commission's review criteria and tying it altogether and the

1 staff analysis of this project, your reference to this visual
2 management system -- and forgive me if this isn't related to
3 it -- but the ridgeline protection policy, you made a very
4 few -- presented your analysis and conclusion based on this
5 visual management system, and as I'm always in the mind of
6 preparing a staff recommendation here, help me try to tie this
7 visual management system with the LURC criteria.

8 Is this visual management system some kind of a
9 regulatory regime? Does the Applicant have to meet provisions
10 of this system?

11 Does the Applicant have to apply for, you know --
12 help me connect the dot between this visual management system
13 and your analysis and conclusion, and how do I tie it into or
14 fold it into the Commission's criteria for deciding on this
15 proposal if you can.

16 Thank you.

17 MR. CREWS: I'm going to comment and then Pam may
18 have some comments, as well.

19 The visual management system has long been viewed as
20 the system to inventory scenery and to analyze the impacts to
21 this area.

22 It is -- it was used by Mr. DeWan, and the scenery
23 management system is an updated version of the visual
24 management system.

25 But unfortunately, Mr. DeWan referenced the

1 terminologies and methodology used in the visual management
2 scenery management system in his analysis and Dr. Palmer
3 referenced it as well.

4 The link -- it is simply the accepted system by which
5 we inventory and analyze impacts. There is no regulatory
6 requirement for anybody to follow these regulations outside of
7 our forest plan standards for each forest in the National
8 Forest System.

9 The link to your mountain protection zone rezoning
10 criteria -- or as Ms. Kurtz stated earlier, the contrast or the
11 fact that there is not the harmonious blend of these structures
12 to the landscape -- the contrast is excessive, and using this
13 system and the definitions and the terminology of this system,
14 it helps to prove that that criteria is not being met or would
15 not be met in this project.

16 MS. UNDERHILL: I'll just add that basically it's a
17 tool. It's a tool for, you know, conducting a visual analysis.

18 And our whole reason for being here today is, you're
19 right, you all do have the toughest job in the room. We're
20 here simply to provide you with information about the
21 Appalachian National Scenic Trail, significance, and what we
22 believe is an accurate assessment of what the visual impact of
23 this project will be on the trail.

24 THE CHAIR: Thank you.

25 MS. KURTZ: I have another question.

1 THE CHAIR: One more. We've got to move on. We've
2 got a lot of ground to cover.

3 MS. KURTZ: You used the word cast system with the
4 National Park Service entity. You said there is no cast
5 system.

6 I'm just sort of listening here and look at the
7 statutory criterion, there's been a lot of emphasis on the
8 economics and the natural resources.

9 But scenic values seem to get short drift, and that's
10 because it's something you can't really touch. It's in the eye
11 of the beholder.

12 But I think -- I'm wondering, do you have in your
13 background information that can put -- place some value on
14 scenic resources that is tangible?

15 I guess my impression is scenic aspects in terms of
16 taking a look at what we have to evaluate, scenery is not
17 considered as much as the natural resources.

18 Do you have any kind of data that suggests value of
19 scenic remember resources in economic terms?

20 MS. UNDERHILL: I don't have handy any hard data. I
21 think there started to be some studies done about the economic
22 value of, for example, of hikers using, you know, resources
23 like the Appalachian Trail.

24 In terms of putting -- in terms of putting a value on
25 scenery, it is -- it's difficult to do. The enabling

1 legislation for the Appalachian National Scenic Trail is the
2 National Trail System Act, which talks about scenic trails
3 being established to conserve the natural, cultural, and scenic
4 resources of the places through which they pass.

5 So in our enabling legislation, scenic values are
6 placed right up there with natural and cultural resource value
7 as something that is worthy of preserving.

8 As you say, it's kind of intangible, and different
9 people are going to have different ideas of what is scenic and
10 what is not.

11 To some extent it's objective, but, you know,
12 Congress, in its wisdom, decided that it was worthy of having a
13 category of resources called National Scenic Trails, and the
14 Appalachian Trail is the premier National Scenic Trail.

15 So clearly in a traverse from Maine to Georgia along
16 the ridgeline, you're going to see all kinds of things, and I
17 was involved in this project throughout, all of the land
18 acquisition for the trail, and it soon became obvious that you
19 could not, nor should we, be buying everything -- the Federal
20 government -- that you could see from the Appalachian Trail,
21 nor could we expect that the landscape out there was going to
22 stay unchanged for the next hundred years.

23 But we are trying to provide an opportunity for
24 people to have a quality outdoor recreation experience in the
25 eastern United States.

1 As I said, there are going to be diminishing
2 opportunities for that kind of experience, and there is value,
3 we believe, to the natural world and to scenic values, and the
4 Appalachian Trail epitomizes that.

5 MS. KURTZ: In the absence of that data, perhaps the
6 best tool we have is the visual management system.

7 MS. UNDERHILL: It is a qualitative way to analyze
8 it.

9 MS. KURTZ: In some regards it's the best tool we
10 have at this point.

11 MR. CREWS: It is a means of quantifying the quality
12 of the landscape through the inventory process, and it's based
13 on research that dates back to the '70s, as based on research
14 of recreation users and their expectations of scenic quality at
15 recreation sites to visit.

16 So it's all based in research, visual management
17 system. It means to quantify in a sense of how it relates.

18 MS. KURTZ: One more comment.

19 THE CHAIR: We've got to move on, Rebecca.

20 MS. KURTZ: I realize that.

21 This is sort -- I realize that you're here on the
22 part of the National Park Service and you're focusing on the
23 Appalachian Trail, but I just wanted to remind -- I guess
24 myself as much as anything else -- I think I got off track with
25 the testimony of what we're really here to decide in terms of

1 to do with power lines being an urban portrayal.

2 The simulations that you show up there on the board,
3 as well as in your testimony, didn't show existing power lines,
4 logging roads, haul roads, State roads, biomass plants, ski
5 areas; is that correct?

6 A. (Eric Crews) from these viewpoints, the logging road data
7 that was in the CAD file is actually in this model.

8 Q. Excuse me, but the question was: Did any of your
9 simulations depict what's actually out there in terms of
10 existing roads, manmade changes in the landscape?

11 A. They are not depicted exactly as they appear in the
12 landscape, but in the written testimony there are photographs
13 from these viewpoints, and there's a description of the
14 existing landscape character.

15 Q. Okay. So you're saying they're in your photographs but
16 not in your simulations; correct?

17 A. They do not appear exactly as they appear on the
18 landscape. The scenic landscape that is out there is a natural
19 occurring landscape and some of those features are there,
20 they're subordinate to the total character.

21 Q. You talked about worse case. Is it true that what you
22 were doing in your simulation you were attempting to portray
23 what you would describe as a worse case view?

24 A. No, I attempted to present a typical example. The haze
25 element is an average distance. The lighting situation is

1 1 o'clock p.m. on June 1st.

2 The software itself produces the light and shadow on
3 the objects, and the cloud shutters as well. So there's no --
4 there's no attempt to control the output of each individual
5 simulation.

6 Q. Let's talk about your computer situation for a moment
7 because I think there's a saying, if I remember, about with
8 computers garbage in, garbage out, meaning, sir, what you put
9 into them can impact what you get out of them.

10 In fact, you described in your prefiled testimony
11 program settings, meaning what you fed into the computer, in
12 order to have it start developing these simulations; correct?

13 A. Yes, that's correct.

14 Q. And is it true that you were using, for example, tree
15 densities in the area of 300, 350 stems per acre; correct?

16 A. That is correct.

17 Q. And that would be approximately 1 tree every 13, 15 feet
18 or so on a grid?

19 A. I've not done the math on that.

20 Q. You also used as your input for tree height in these
21 simulations 10 to 25 feet; correct?

22 A. Actually, that's a type. It's changed to 35 feet, and
23 that is based on field observations.

24 Q. When you say field observations, did you go up Redington
25 or Black Nubble Mountains?

1 A. I went to similar elevations on Sugarloaf and Saddleback
2 Junior, and J. T. Horn. The Appalachian Trail Conservancy had
3 been to Redington and informed me that the tree height there
4 was a maximum of 35 feet.

5 Q. Is it your testimony that you didn't go on either
6 Redington or Black Nubble?

7 A. I have not been on either Redington or Black Nubble.

8 Q. Did you hear the sworn testimony yesterday that going up
9 Redington or Black Nubble in the areas that you were depicting
10 there, first of all, in terms of the density, it is
11 substantially greater than 300 or 350 trees per acre?

12 A. Yes, I guess I didn't hear that.

13 Q. In fact, did you also hear the testimony that on
14 Black Nubble the tree height is generally up to 50 feet on
15 average?

16 A. I heard the testimony. I don't know that -- I don't know
17 if that's true or not.

18 Q. You don't have any personal knowledge?

19 A. I've never been there. I would say, however --

20 Q. Excuse me, I'm short on time. I'm sorry. Mr. Plouffe
21 will be questioning you if you want to talk more about what
22 might be on top of Black Nubble.

23 Ms. Underhill started off her testimony this morning
24 saying, Shouldn't use numbers to describe the Appalachian Trail
25 experience.

1 But you, along with Mr. Plouffe and Mr. Palmer, are
2 professionals who do rely upon numbers to try to explain to
3 people visual impact; correct, Mr. Crews?

4 A. The visual management system attempts to quantify the
5 scenic character of the landscape and in fact assumes.

6 The only numbers that I cited were the GIS analysis,
7 which identified the potential miles of trail use.

8 Q. Well, you also used a number of approximately 3.8 miles
9 out of the 34.5 where there might be some view, some type of
10 view, of some part of the project; correct?

11 A. That's what I just referred to; yes, sir.

12 Q. That 3.8 percent is roughly 10, 11 percent of the
13 34.5-mile segment; correct?

14 A. Including the side trails, yes, sir.

15 Q. Right. That's roughly what Mr. DeWan said in terms of
16 9 percent of the same segment; correct?

17 A. That's correct.

18 Q. And Mr. DeWan -- strike that.

19 You haven't hiked the whole segment of the AT that
20 was depicted in your large map that was an exhibit to the
21 Commission; correct?

22 A. That's right.

23 Q. As a matter of fact, you've only been to three of the
24 viewpoints that you describe and then did simulations for;
25 correct?

1 A. That's correct.

2 Q. And also, in fact, therefore you don't know of your
3 number, 10 percent, of the time you might see some of the
4 project whether the hiker would also see other manmade changes
5 or structures, like roads, transmission lines, or ski resorts;
6 correct?

7 A. That's based solely on the GIS analysis.

8 Q. So you personally or professionally can't disagree with
9 Mr. DeWan that, say, of 10 percent, only 2 percent of the time
10 would somebody be able to see part of the project and not the
11 other man-made changes; correct?

12 A. As I've said, I've not walked the whole segment, but even
13 if it's just 1 percent vista, the nature of the impacts would
14 be significant.

15 Q. Well, let me ask you about this 1 percent because I was
16 interested in your prefiled that according to the system that
17 you use, there are four either/or situations where it might
18 create what's called an unacceptable modification; correct?

19 A. That's correct.

20 Q. And one of them is if there's a structure that you can see
21 that would be lasting more than roughly, I think it's 10 or 15
22 years; is that correct?

23 A. That's one of them.

24 Q. Right. Well, that's one, it's a sufficient one so that --
25 again, any one of those four variables would be enough to

1 trigger something to be considered an unacceptable
2 modification; correct?

3 A. That's correct.

4 Q. And that structure could be the stack of a biomass plant,
5 it could be a ski tower, it could be a cell tower, correct, if
6 it lasts more than ten years and it's visible from the trail?

7 A. It depends on the scale, line, form, color, texture rule.

8 Q. Right. Let me just ask you a couple more questions before
9 I turn to Ms. Underhill.

10 In terms of -- I have a question for you.

11 You walked over to the simulation boards over there
12 and I think I heard you sort of suggest that Mr. DeWan was
13 trying to mislead people about the simulation.

14 Is that the gist of your testimony?

15 A. I feel that those simulations don't accurately represent
16 potential impacts.

17 Q. Have you -- but those simulations on those boards are only
18 part of many simulations proposed by Mr. DeWan and Ms. Segal
19 have submitted to the Commission, both in the application and
20 their prefiled; correct?

21 A. The question again.

22 Q. Have you reviewed all the simulations that Terrance DeWan
23 & Associates submitted both with the application and their
24 prefiled?

25 A. I've looked at them. The ones that I was referring to in

1 my comments are these on display here.

2 Q. And only those on that display, correct, in terms of what
3 you think might be misleading?

4 A. The comments I made earlier were in reference to these
5 displays, yes.

6 Q. Are you aware that submitted with the application and the
7 prefiled were digital photos that were not stitched together,
8 that had been reviewed by LURC's independent consultant,
9 Mr. Palmer, and commented upon by him?

10 A. I saw some of those images. They failed to identify the
11 output image size and the distance at which they should be
12 viewed as to scale. Then they're basically these same images
13 except cropped or they're narrower.

14 Q. All right. Mr. Palmer can talk about his impression of
15 those and the Commission can hear what he thought about them.

16 Let me turn quickly to --

17 MR. THALER: Let me just ask, how much more time do I
18 have?

19 MS. MACALUSO: (Indicates 5.)

20 MR. THALER: Okay, thank you.

21 EXAMINATION

22 (Of Ms. Underhill)

23 BY MR. THALER:

24 Q. Ms. Underhill, you used some numbers in your testimony and
25 written and oral today that I wondered about.

1 You mentioned in your testimony that this project
2 involves 29 turbines.

3 What were you reviewing at the time that you prepared
4 and signed your testimony concerning the project?

5 A. I apologize that I referenced 29 turbines instead of 30.

6 I was -- my staff and I worked together on my
7 testimony and it came -- it was just an error on the part of my
8 staff. I apologize.

9 Q. You remember that actually 29 turbines was an earlier
10 configuration from some years ago on this project; correct?

11 A. It was just a mistake. I apologize.

12 Q. When you were preparing your testimony, had you personally
13 reviewed the application?

14 A. No, it was reviewed by my staff.

15 Q. When you were preparing your testimony -- by the way, do
16 you recall filing comments with the Commission back in April in
17 which you said that the visual management approach -- let me
18 just make sure I find the words correctly here -- that when you
19 filed your comments, you said that the scenery management
20 system, the SMS system, was the industry standard?

21 A. Yes.

22 Q. And that's not consistent with Mr. Crew's views that he's
23 talked about here today; correct?

24 A. It's the same system. It's just an evolved -- it's an
25 evolution --

1 THE WITNESS: It's the same system, is it not, Eric?

2 MR. CREWS: That's correct.

3 BY MR. THALER:

4 Q. Aren't the two systems different as to how they define
5 middle ground, foreground, low ground, background?

6 A. (Eric Crews) They differ in the definition of the distance
7 portion of it.

8 Q. That's what I asked.

9 A. The definition of the perceived textures, they are
10 definitely the same.

11 Q. The SMS uses 4 miles as the edge of the foreground,
12 whereas the VMS uses 3 to 5; is that correct?

13 A. Background.

14 Q. Background.

15 A. That is considered the visual management system, the
16 middle ground extends from 3 to 5 miles, depending on the
17 perceived texture and detail.

18 Q. (Ms. Underhill) Ms. Underhill, in your written testimony
19 you compared this project location to being like the rim of the
20 Grand Canyon.

21 You're not suggesting, are you, that millions of
22 people come to this portion of the trail to look at the
23 Redington/Black Nubble view shed, are you?

24 A. No; but you may be aware that just recently ABC Good
25 Morning America, National Geographic Adventure Magazine

1 designated the Grand Canyon and Appalachian National Scenic
2 Trail as No. 1 and No. 2 outdoor recreation experiences in the
3 United States.

4 Q. Thank you. Speaking of that, you've talked about only the
5 Appalachian Trail.

6 The Pacific Crest Trail is also a scenic trail that
7 was created at the same time as the Appalachian Trail; correct?

8 A. Yes, it is. It was placed under the administration of the
9 Secretary of the Interior, and the AT was placed under the
10 administration of the -- I'm sorry -- the Pacific Crest under
11 the Secretary of Agriculture, and the AT under the
12 administration of the Secretary of the Interior.

13 Q. But you have no cast system, so is the scenic trail just
14 like the Appalachian Trail, the scene trail; correct?

15 A. It's a scenic trail. It is not a unit of the National
16 Park System.

17 Q. It's not even in the National Park System.

18 So it does run through a large wind farm in
19 California; correct?

20 A. It sure does. It's pretty ugly.

21 Q. Okay. And the International Appalachian Trail Maine went
22 through, a wind farm is being built right now; are you aware of
23 that?

24 A. No, I was not aware of that.

25 Q. Have you ever heard of a place called Mars Hill in Maine?

1 A. I've heard of it.

2 Q. Were you aware that the International Appalachian Trail
3 runs over it?

4 A. The International Appalachian Trail?

5 Q. Yes.

6 A. The International Appalachian Trail is not my
7 responsibility.

8 Q. You've also talked in your testimony and again today about
9 40-story structure of this facility.

10 Do you know how high the tower is of these turbines?

11 A. My understanding that the tower with the blades is 400
12 feet.

13 Q. Do you know how high the tower is?

14 A. I think I heard about 160 feet.

15 Q. It's roughly 80 meters and it's only when the blade would
16 be pointing straight up would you get the 410 feet.

17 Were you aware of that?

18 A. Yeah, because that blade keeps turning; right?

19 Q. Right. They usually do.

20 Let me just ask you --

21 MR. THALER: How much more? 2 minutes? 1 minute,
22 okay.

23 BY MR. THALER:

24 Q. Were you aware that the -- there's a system, hut and trail
25 system trying to be developed in this area called the Maine Hut

1 and Trail System?

2 A. Yes, I am.

3 Q. Are you aware that they're seeking and want to run their
4 trail through the wind farm project here?

5 A. I just heard that recently.

6 Q. One last question. Mr. Crews has had some criticisms
7 about Mr. DeWan and Miss Segal and the quality of their work.

8 You've worked with them before; correct?

9 A. Yes, I have, which is why I found it particularly
10 astonishing that Mr. DeWan seemed unaware of the fact that the
11 AT was the end of the National Park System.

12 MR. THALER: Let me just mark, Mr. Chairman, as an
13 exhibit, and that will conclude my questioning.

14 BY MR. THALER:

15 Q. A letter that you wrote dated August 29, 1999, and your
16 letter had to both Terry DeWan and Amy Segal, who are here and
17 testified to this Commission on this project and a number of
18 projects, praising them and the quality of their work.

19 Do you recall writing them that letter?

20 A. I don't recall right off hand writing that letter, but
21 apparently it makes a difference who you're working for.

22 Q. Are you suggesting that Mr. DeWan and Miss Segal would
23 corrupt or manipulate their presentation to this Commission
24 under oath depending upon who they're working for?

25 A. I am not suggesting that. I just am very surprised at the

1 results they presented.

2 MR. THALER: Thank you. I will pass this to the
3 witness and provide copies to the Commission and the parties.

4 Thank you, Mr. Chairman.

5 THE CHAIR: Mr. Plouffe, are you planning to cross
6 here?

7 MR. PLOUFFE: Just very briefly, Mr. Chairman.

8 EXAMINATION

9 (Of Mr. Crews)

10 BY MR. PLOUFFE:

11 Q. Eric, how long have you been doing visual assessments for
12 the United States Forest Service?

13 A. Fifteen years.

14 Q. And about how many visual assessments have you done during
15 that period of time?

16 A. Hundreds. I do 10 to 15 of them a year.

17 Q. What generally are you evaluating for the United States
18 Forest Service when you do these visual assessments?

19 A. I evaluate all special uses, such as communication towers,
20 highway projects, including four-lane DOT Federal highway
21 projects, roads, timber sales, potential land development for
22 land exchanges or lands that we're acquiring to determine
23 feasibility of those lands.

24 Power line corridors, just the whole gamut.

25 Q. These are activities within a National Forest that you're

1 evaluating?

2 A. Yes, sir, or potential exchange plans.

3 Q. And the Forest Service lands are multiple use management?

4 A. Yes, sir, that's correct.

5 Q. Could you briefly explain the difference between the
6 visual management system and the scenery management system?

7 A. The scenery management system was an updated visual
8 management system primarily to address some of the problems
9 with incorporating in the forest plan language.

10 There was a change in terminology in the plan, but
11 essentially the definitions are the same.

12 It does -- it does address some issues with how to
13 conduct inventory to better incorporate enforcement plans.

14 Q. Would the type of analysis that Mr. DeWan did in this
15 project satisfy the criteria of the United States Forest
16 Service in evaluating Forest Service impacts?

17 A. The methodology or the conclusion?

18 Q. The methodology that he used.

19 A. It would -- it doesn't follow the visual management
20 scenery management system methodology exactly in the process
21 that I would use, but it's similar.

22 Q. Do you have any observations as far as why, if you use a
23 similar methodology, to reach such a different conclusion from
24 you?

25 A. I would say that one , the simulations that were produced

1 do not, in my opinion, accurately represent the impact. His
2 conclusions were based solely on those simulations and his
3 field visits. That would be one reason.

4 Other -- other reasons, I would rather not say.

5 MR. PLOUFFE: Thank you.

6 THE WITNESS: I would like to clarify the thing about
7 the tree line on the ridge.

8 MR. PLOUFFE: Yes, sir.

9 THE WITNESS: The tree height on the ridges in the
10 mountain simulations were set to heights that were information
11 provided to me by J. T. Horn, Redington, and the height is
12 35 feet, but the tree height has no bearing whatsoever on the
13 impacts from the turbines themselves.

14 Whether it's a 35-foot tree or 50-foot tree, the
15 scale of the turbines and the overall impacts is unaffected by
16 that.

17 The vegetation is a means by which you compare the
18 scale of the turbines to the vegetation and to the land forms,
19 but the mere fact that I used 35-foot trees on the mountaintop
20 trail or 50-foot trees, would not alter the outcome of my
21 findings.

22 MR. PLOUFFE: Thank you.

23 THE CHAIR: I think at this point we're going to do
24 Mr. Plouffe's group.

25 Are you ready?

1 MR. PLOUFFE: I thought we were doing Mr. Palmer
2 next?

3 THE CHAIRMAN: He said in deference to you that you
4 could go first. If you prefer not to, that's fine, too.

5 MR. PLOUFFE: I would prefer that Mr. Palmer go
6 first.

7 THE CHAIR: All right. If Mr. Palmer is ready, we'd
8 be happy to hear from him.

9 MR. PALMER: My name is James Palmer and I'm an
10 expert hired as an independent consultant by the LURC
11 Commission.

12 I'll start out first with looking at the conclusions
13 based on the criteria used in the DeWan prefiled testimony.

14 As I understand it, LURC has three primary criteria
15 that they have to evaluate. The first has to do with whether a
16 reasonable effort has been made to minimize the visual impact
17 and make the project fit in with the environment. One aspect
18 of that under normal practice would be to conduct an analysis
19 to see if the site is the appropriate site.

20 This is somewhat difficult in the current situation,
21 that is, you could require an Applicant to evaluate all the
22 sites in Maine or under the LURC jurisdiction and identify why
23 this particular site is important.

24 That may be too onerous. I think the State needs to
25 do something like that because this is something that's going

1 to come before them again and again.

2 What we heard is that the site is suitable because it
3 combines two factors: It's a high ridge with lots of wind and
4 it's close to power distribution.

5 I accept that, and I don't know how rare that is
6 because you've not been told that, but neither of those
7 characteristics have to do with visual impacts. We don't know
8 anything about whether there are other areas that have somewhat
9 similar characteristics and whether they might be further away
10 from sensitive receptors, and I would really like to see
11 something like that and I assume you would like to see
12 something like that.

13 The second criteria is that it needs to be placed in
14 locations least likely to block views. If you take that
15 literally, "block views," the turbines don't block views by and
16 large when they're seen from far away. They're far away.

17 On the other hand, this is a strange project for a
18 power project. It's not like a nuclear plant or a gas-fired
19 plant where it's one big object. This is a big object, it's
20 the whole farm on two ridges, but it's individual pieces that
21 are widely dispersed.

22 So I actually don't have guidance for you on how to
23 interpret what "block" means. The normal meaning would be that
24 it blocks the view, and it doesn't block the view in my
25 opinion.

1 On the other hand, this is a big project that
2 occupies a pretty big portion of a view, and it's going to have
3 a significant impact because of that, but it's not blocking the
4 view.

5 It's something that I'm assuming you haven't had to
6 deal with before. It's going to be difficult, so you've got to
7 interpret what was the intent of that particular criteria.

8 The third is to preserve the natural character of the
9 ridgeline.

10 We have been presented with the assertion that
11 turbines are going to be have to be located on ridgelines or
12 maybe on the coastline, that's the other area in Maine.

13 I don't know that we're in a position to evaluate
14 that, but if one accepts that assertion, then there is no way
15 to have a modern turbine on ridgelines without having them be
16 problems.

17 They're huge, they're out of scale with the trees
18 that are going to be on that ridgeline, they're going to be
19 back lit at some time, they're going to be prominent.

20 So this particular Applicant, it seems to me, has
21 done what they can to reduce the visibility of the roads
22 between the turbines, the clearings around the turbines, the
23 access roads, the power lines roads.

24 While there's a lot more that we might want to know
25 about all of that, they're clearly trying their best to reduce

1 those impacts, but none of that changes the fact that these are
2 huge turbines. So they're going to be visible on a previously
3 natural area.

4 Now, it's my understanding that somebody could apply
5 to harvest land on these mountains and they could apply for a
6 special permit to harvest land above the 2,700-foot level and
7 perhaps be granted that.

8 So it's not like these particular ridges are
9 protected in the way that land that the National Park Service
10 owns on the Appalachian Trail is protected; it's private land,
11 it's in a working forest.

12 A large clearcut would be a significant modification
13 under the scenery management system. That would be a major
14 impact, and it would be not a partial retention-type area, it
15 would be a modification of classification if that was allowed
16 to zone.

17 So again, I don't know how to guide you in that
18 except to say that it's going to be a major impact. They're
19 big turbines. Everybody knows they're going to be visible, and
20 all sides agree on that.

21 This project, as I understand it, started out with
22 shared responsibility with MDEP, so the Applicant had criteria
23 stipulated to MDEP. As things progressed, these criteria were
24 no longer required but were kept because they relayed good
25 information.

1 The MDEP approach is much more similar to the
2 approach that we heard from Eric Crews. It's closer to that
3 lineage. Your criteria are much -- it's not that they're
4 vaguer, but they require much clearer -- there's more judgment,
5 opportunity for judgment, in the three criteria that you have.

6 As I understand the MDEP criteria, they're more
7 defined, maybe, and relate more to foremost. I'll wiggle a
8 little within that constraint, but I think that's the intent.

9 The first has to do with landscape compatibility and
10 basically it's a four-line color texture assessment, which is
11 very similar to the VMS that we just heard about. So what it's
12 looking at is whether the introduced impact contrasts along
13 those four characteristics as a way of evaluating fit.

14 I talked about the color of the turbines being gray.
15 In the version of the submittal that I had, they were gray.
16 Apparently that's an earlier version and now they're white.

17 When they're in bright sunlight, they will be white,
18 if they're white; when there's cloud cover, they'll appear
19 light gray.

20 So in some ways my comments still will be
21 appropriate. On cloudy/hazy days they're going to appear light
22 gray.

23 That's a good color. White's not a particularly bad
24 color. Certainly in the winter it's going to work pretty well
25 and it's not going to be real bad during the summer.

1 The form of the turbines contrasts. They contrast.
2 However, the basic form of the farm isn't too bad. It follows
3 the ridgelines pretty well, it mimics that shape. Nonetheless,
4 the turbines are going to be an introduction of a new form.

5 Under lines, there's a lot of use of existing roads
6 and lines. That's good. It seems to me that that's being done
7 to the maximum extent possible.

8 The lines of the turbines, again, mimic the lines of
9 the ridges; that's also good.

10 Texture. The turbines are interesting elements in
11 this landscape and actually they don't have much surface
12 texture. They're smooth.

13 So I'll get to the definitions and background in a
14 bit, but from a foreground perspective, texture on the turbines
15 itself is what would give it foreground. There isn't much
16 foreground.

17 The immediate foreground would be where you can hear
18 them or in other way sense them. My guess is you can probably
19 hear them farther away than you can see any surface texture on
20 the turbines.

21 So the definitions that we go by are awkward, they're
22 a little incongruous, and I'll get to that in a minute.

23 In the middle ground these elements -- the turbine
24 elements are going to be large enough that they're not going to
25 become a normal forested texture. In fact, they're going to

1 remain visible as objects a lot longer than the surrounding
2 trees are because they're so much bigger and they stand up.
3 They're going to be back lit, they're up above the ridge,
4 they're clean lines.

5 Again, it creates a somewhat incongruous situation
6 and they remain as objects visually from a lot farther distance
7 than the forest does.

8 The next criteria would be scale contrast. The DeWan
9 assessment evaluated this by looking at the contrast, the
10 turbines to land form.

11 It's not probably what I would have -- it's not in my
12 testimony, what I get. I would say that the most common object
13 in the landscape are trees, and that's what I would consider
14 the scale comparison to be to.

15 In that comparison, clearly the turbines are much,
16 much larger than the surrounding trees, so it's a huge scale
17 contrast.

18 From a far, middle, or background kind of view, I can
19 understand -- when you've seen the whole project -- I can
20 understand how you might make the scale contrast in comparison
21 with land form. In that situation, DeWan's probably correct
22 that it's not as severe. It mimics that land form, it lays on
23 that land form in some sense.

24 But the fact that you can still see those individual
25 turbines as objects is going to make the scale contrast in my

1 opinion significant.

2 The last criteria is spacial dominance. In this area
3 it seems to me that there would be three co-dominant large
4 projects, the two ski areas in this project. They're visible
5 from each other sometimes. No three are visible all at once,
6 so I've not done a rigorous study of that.

7 You certainly don't see them all unless you're in an
8 airplane from one point in the same distant zone.

9 But I would say that within the region there are
10 three -- if this project is built -- three major areas of
11 moderately comparable impact.

12 I would actually say that the proposed wind farm is
13 not going to be as much impact as the two ski areas,
14 particularly if their anticipated expansions go through.

15 In summary, this project clearly has a significant
16 impact on the landscape. I don't think anybody's really
17 disagreeing with that. The issue is interpreting what that
18 means.

19 Impact is a balance of sort of costs and benefits and
20 whether the benefits and the efforts to mitigate the costs to
21 the environment are adequate.

22 I have some general comments that I would like to
23 say.

24 One is, to refer back very quickly, I'm concerned
25 about the justification for location, and I understand that you

1 have to make a decision on a particular application, but I'm
2 anticipating, as in the state of Vermont where I come from,
3 you're going to be faced with more and more of these
4 applications, and it seems to me that there should be a
5 statewide assessment that includes both the mountainous and the
6 coastal areas because there's a tradeoff there, and you're
7 going to get whip sought because you don't have jurisdiction.
8 Whenever it's a coastal thing, they'll say, put it in the land.
9 They'll never say to put it on the coast.

10 This is something that just needs to be done.

11 It's not uncommon when I've testified in relation to
12 gas-fired plants, the visual impacts of gas-fired plants,
13 particularly in an urban area, to require a decommissioning
14 plan, and in particular to require some kind of a trust to be
15 set up that accrues funds to decommission.

16 The projected life of these turbines was somewhere
17 around 20 years minimum, which is about what a gas plant is
18 projected to be. These turbines may go longer. It may prove
19 profitable enough that they'll be replaced in the next ten
20 years by some newer technology such as what we said yesterday.

21 It may prove to be a bust. It may prove that the
22 climate is too severe. Somebody may go up and get hit with a
23 chunk of ice and get sued and they have to close the thing
24 down.

25 You can imagine -- you can make up scenarios, crazy

1 scenarios, that might be disastrous to the project. It would
2 be disastrous if these turbines were built not producing power
3 but still on those ridgelines.

4 I would suggest some provision needs to be made for
5 that.

6 A lot of the testimony from both visual consultants
7 deals with distance zone. The Forest Service has a rule of
8 thumb with rigid distances and that's to make things easy to
9 understand.

10 The distance zones are a function of perception, and
11 we should think of them in that way. We have to use sort of
12 rigid distances, because we have to move forward, we have to
13 have common vocabulary to talk about it. But it's important to
14 understand where the idea from these distant zones come from.

15 The foreground has to do with the textures on the
16 surface of objects. So that's like the leaves on the trees or
17 the bigger, the branches of the trees, the clusters of
18 branches.

19 In buildings, it would be the moldings and the
20 windows, or the molding around the door, or even the windows
21 and the doors, or the cracks between the bricks. You can see
22 that it varies depending on that kind of context. If you're an
23 environment with big leaves and they're moving, it's going to
24 be further away than if it's a very fine, textured needle.

25 The new VMS also has an immediate foreground, and

1 that has to do with where you have other senses that come into
2 play. So it's where you can, in particular, hear what's going
3 on. The turbines what the foreground of a turbine is. The
4 turbines have a smooth texture and yet they may be heard
5 farther away from that.

6 It's an industrial product and it doesn't fit neatly
7 with this kind of system, which was really created to describe
8 the natural environment.

9 In any case, these turbines, unless we put a trail up
10 over the edge, aren't going to be in the foreground view of
11 anything that's being considered so far but it may be the
12 foreground in the future.

13 Middle ground is where you can no longer see that
14 surface texture but you can distinguish objects in the
15 landscape, and it's because of that that it becomes visually
16 the most important.

17 Middle ground is the distance that we start
18 associating meaning with landscape and we start interpreting
19 things. When we start talking about a natural or a rural
20 landscape or a forested landscape, that's going to become more
21 important to us in the middle ground because we can see a
22 context in the middle ground.

23 In the middle ground these objects form the texture
24 on the landscape, so you get a feel to pattern that that's what
25 becomes important. You're not seeing cabbages or corn

1 anywhere. You're seeing a pattern of fields.

2 In the background, colors or objects become greatly
3 muted for lots of reasons, one of them because it's too far
4 away to see the object well anymore, but also the farther away
5 we get, atmospheric haze [inaudible].

6 The Blue Ridge, for instance, is named after that
7 haze. The ridges are blue because there's this haze. Well,
8 we've got the blue ridges up here, too.

9 I see days here that are crystal clear and bright,
10 even if they're cloudy. Yesterday we had some weather like
11 that. The field trip that we went on with an illustration of a
12 day where we didn't really have much visibility because it was
13 so -- the atmospheric humidity kept that from being visible.

14 That haze affects where the background starts.
15 Obviously you can't have middle ground if you can't see the
16 object, if you can't see the texture.

17 Visual acuity. It's important to understand what we
18 can anticipate seeing and recognizing in the landscape.

19 We can -- our threshold of actually sensing a high
20 contrast background is something like 1/32 of an arc. If you
21 had an all white background and you've got a contrasting black
22 image, you could maybe see 30 seconds, maybe even a little less
23 than that under ideal lighting conditions.

24 I think within the context of visual assessment,
25 better thresholds would be recognizing an object so that those

1 measurements are a little different.

2 You're all familiar with a standard eye chart, which
3 is what the next view is, and it's constructed so that the
4 lines that form the letters are a 1-minute arc, and the object,
5 the letter itself, is a 5-minute mark, that's how big it is.
6 That's the standard.

7 In the United States we stand about 6 meters away
8 from that chart, and that's what 20 -- that's about 20 feet.
9 So 20/20 vision is you can see something where it's that 5:1
10 ratio, and then you go further away or closer, depending on
11 what your eyesight is.

12 It seems to me that that's a reasonable kind of
13 standard for us to look at here.

14 This is based on dimensions of these turbines that
15 we've been presented with. The tower height is given. The
16 blade in particular is very interesting. It's 44 meters long,
17 but it's less than 4 meters thick at the base, and at the tip
18 it's pretty skinny.

19 So ostensibly as an object, the height just to the
20 nodule -- not the whole turbine -- but up to the solid part,
21 the not-moving part, theoretically we should be able to see
22 this thing, it's an object, 34 miles away, a long way.

23 There may be special lighting conditions or something
24 that actually make that possible, but under normal
25 circumstances, that's not what would happen.

1 The tips of the blades aren't going to be visible
2 from that far away. I'm using the 1-minute threshold here just
3 like they would on the letter "E" for the legs in the E, but
4 it's going to be less than a mile.

5 It's going to start diminishing. You're going to see
6 maybe a blur or a movement, but you're not going to see that
7 tip from very far away.

8 The top of the tower is also going to be seen within
9 the distance of some of the trail views that we've seen, but
10 it's not going to be seen from up along -- a huge, long way
11 away, and the nodule you're going to see from maybe 8 miles
12 away.

13 So the 10-mile threshold that Jean Vissering
14 suggested she would use is actually pretty reasonable as a
15 distance threshold to do an analysis of turbines. And this
16 project, using a 15-mile threshold, is really quite feasible.

17 So I would say that things were well done within
18 that.

19 The reason the resolution is important is because you
20 want the resolution of the simulations to be sufficient to
21 capture the 1 minute worth of arc.

22 I think that the resolution that you mentioned in the
23 images used here weren't sufficient to do that. As long as a
24 camera was lined up right on a nodule, so you've got the
25 turbine stack, and the pixels are the little sensors, and if

1 it's right on that and it's 1 minute, it will capture.

2 The problem is that it never lines up right. So you
3 really want double that resolution, and the problem there is
4 that while there are a few cameras that are approaching the
5 17-megabyte threshold for an image, that's not commonly
6 available. They're very extremely expensive.

7 So we're moving into an era where we run into visual
8 assessment on objects, and we don't really have the equipment
9 to adequately do that. That's a problem.

10 One of the strengths of Eric Crews' analysis is that
11 he doesn't worry about pictures, he cites his picture, so in
12 fact he's not limited by that spatial.

13 Simulation accuracy. I was only able to evaluate the
14 accuracy of one of the simulations. It was with the simulation
15 on Saddleback, it was accurate. It matched up, you could hold
16 it.

17 In the future where you have sensitivity where you're
18 concerned about this, I really suggest that they print them on
19 clear acetate so that you could hold it up like a window. You
20 could really see. It's somewhat hard on paper to go back and
21 forth.

22 I didn't have a ruler with me, but it appeared to
23 be -- it was a 17-inch-long paper, so I could sort of guess
24 about how far I was viewing it. It appeared that in fact the
25 simulation was as represented and the height of the turbines

1 were appropriate.

2 If you look at the DeWan simulations and the ones
3 that are in Jean Vissering's report, and Eric Crews' report,
4 they're all about the same size.

5 I mean, I feel pretty good about any of them in that
6 regard. I don't feel that any of them are trying to mislead
7 us. They have different ways of doing their work or they have
8 different skills and time, but they're all pretty much the
9 same.

10 Color is a different issue. The Vissering turbines
11 are a lot darker. They don't show the atmospheric haze that
12 the actual images show.

13 While there's a lot of advantages to computer
14 simulations that Eric Crews did, it's clearly not a real seed.
15 It's a composed seed.

16 So the vegetation is modelled vegetation that's just
17 picked out of a catalog essentially that he has to represent
18 things.

19 So in particular if you -- I suggest you look at the
20 Sugarloaf simulations as one simulation that every report has a
21 before-and-after image.

22 So in DeWan, it's image 6-4 A, B, and C; and in the
23 Vissering report it's Exhibit D, 3-a and -b; and then Crews,
24 it's Figure 2, which is a photograph, and then Simulation G.

25 They're different. It's not that any of them are

1 dishonest, I truly don't believe that. But the DeWan
2 photograph shows lots of context, that is, it shows the ski
3 area. The other two don't show that.

4 One of the questions is in evaluating visual impacts
5 is that context important.

6 I can understand why, if you're trying to represent
7 the Appalachian Trail as a wilderness kind of experience, you
8 don't want to show that context. But in fact it's really there
9 and it does affect the judgment of the scene.

10 If you look at the ratings of the DeWan scenes
11 without -- I think there are four viewpoints where the survey
12 was done in this the field he was doing a before-and-after
13 impact rating with people who had been hiking or were going to
14 be hiking the Appalachian Trail.

15 You can see that the scene for Sugarloaf is
16 significantly lower, the scene without the turbines, because it
17 has this context.

18 So if you take the context out, it artificially
19 boosts up the scenic quality.

20 I've done a fairly major study of the visual effects
21 of clear cutting in the White Mountain National Forest and
22 published the results of that in a peer review journal, and
23 that was a major problem.

24 The simulations all were looking at a particular
25 little valley, and they were from a viewpoint -- there were two

1 viewpoints, but the viewpoint I'm talking about maybe had a
2 270-degree panoramic view with some of the Presidentials,
3 Mt. Washington, just outside of the simulated view, and there
4 was no relationship between what people rated the actual
5 on-site view and the view of the photograph.

6 Even though he was sitting there, they knew where the
7 photograph was, they identified it, we talked to them about
8 what was happening in that scene, they knew that Mt. Washington
9 was not in the scene and yet they couldn't help but look at
10 Mt. Washington.

11 I tell that story and it helps and hurts both sides.
12 The context is important in the ski area; on the other hand,
13 when you're looking at Black Nubble and Redington, those are
14 the dominant mountains in the area and your eyes are going to
15 be drawn to them. It's important. That's part of the context.

16 THE CHAIR: This is probably a good time to pause and
17 ask a few questions so we know exactly where we're going here.

18 Rebecca.

19 MS. KURTZ: It's not really a question, it's a
20 comment. Some of it was up over my head but it was very
21 interesting.

22 I guess the one thing is when you talk about the
23 criteria you said that the extent practical -- blah-blah,
24 blah-blah -- you indicated it won't block the scenic view and
25 it doesn't interrupt -- it just seems to be a distinction made

1 there.

2 MR. PALMER: In most cases it's the back ridgeline.
3 So what's behind it, which is one of the reasons they're so
4 visible.

5 In a literal sense, I would still say no. But it's
6 really thinking about what the intent was in meeting that
7 particular criteria. They're going to be very noticeable.

8 MS. KURTZ: Well, I think one of the words you used
9 was incongruous. Some of these words are very important.

10 MS. HILTON: What about a view of the sunset? It's a
11 place that people often come. Is it blocking the view of a
12 sunset?

13 MR. PALMER: It's certainly changing -- it's changing
14 that view.

15 I mean, when I was teaching, I lived in Cazenovia,
16 which is near turbines, like 2 or 3 miles away.

17 My memory is that there was a phone book that had a
18 picture of the turbines in the sunset.

19 It's a difficult thing to evaluate. Some people are
20 going to think that it's making a mistake and others are going
21 to be really upset. It's an industrial artifact in a natural
22 looking landscape; but then clearcutting is an industrial
23 practice, too.

24 MS. HILTON: Actually, the other question was the
25 one -- what about the lighting? I haven't heard too much about

1 lighting and aesthetics related to the lights on these
2 turbines.

3 Is that something that you looked at?

4 MR. PALMER: I don't know how bright the lights are,
5 so I don't know how to evaluate that.

6 In the winter in comparison to what I would
7 anticipate -- I haven't seen the ski area lighting, I would
8 assume that it's lit at night, other ski areas that I've been
9 on, it's not -- the night glare is going to be from the two ski
10 areas, I would anticipate, but I haven't actually seen that,
11 seen that effect at other areas.

12 I would anticipate that it's going to be like 15
13 communication towers, so it's going to be noticeable, it's
14 going to be a blinking red light. If you were camping in an
15 area where you could actually see it, you would see it.

16 I wouldn't anticipate people to camp so much in the
17 open on the ridge, though, but perhaps.

18 MS. HILTON: Do you think that kind of lighting would
19 have an effect on the view of the land?

20 MR. PALMER: In comparison to the lighting in this
21 area?

22 MS. HILTON: I'm asking you what you think.

23 MR. PALMER: I don't know what the lumens from this
24 is, but I know that the lighting on the ski area is almost
25 certain to have an effect on the night sky.

1 MS. KURTZ: Have you ever seen the lighting on
2 Saddleback Mountain.

3 MR. PALMER: No, I haven't seen any night lighting
4 here at all.

5 MS. KURTZ: Maybe someone can answer this.

6 MR. WIGHT: Depends on how the lights are, up or
7 down.

8 MS. KURTZ: I just ask --

9 MR. PALMER: The difficulty of the winter lighting is
10 that even if you put it down, you're putting it down on the
11 snow.

12 There just isn't a nice solution to that. On the
13 other hand, people aren't hiking the Appalachian Trail as much
14 in the winter. It's a different use. But there are skiers and
15 stuff that look at the skies, too.

16 MS. KURTZ: Are there lights -- I know there aren't
17 lights on the towers on Saddleback, I'm not sure about
18 Sugarloaf.

19 I'd have to caution against --.

20 MR. PALMER: I'm talking about the lighting on the
21 ski runs for night skiing.

22 MS. KURTZ: They're not lit. There is no night
23 skiing on Sugarloaf or Saddleback.

24 MR. PALMER: I was not aware of that.

25 MS. KURTZ: That won't be an issue. So it's just the

1 parking lights.

2 THE CHAIR: Steve.

3 MR. WIGHT: I was fascinated by the notion of form,
4 and it appears to me that these towers, while they're much
5 smaller than the trees, are at least vertical with the trees.

6 I wonder if you could characterize the difference
7 between the scene that we're looking at here in the simulations
8 and the scene, say, of the Sherman Adam Center, whatever it's
9 called, on the top of Mt. Washington, which appears as a
10 horizontal line in a lot of views.

11 Just talk about form in those regards. I'm not
12 familiar with that.

13 MR. PALMER: I'm not familiar with the situation, but
14 the issue here is that where you can see the turbine blades,
15 you've essentially got a rotary-type of form. It's obvious
16 that it's very different. It's obvious that it's a
17 manufactured-type thing.

18 I mean, there isn't anything to do to hide that.

19 Actually, the strength of the turbines is that they
20 also symbolize something that's positive. In past eras in this
21 country, skyscrapers were a symbol of progress and now we might
22 get upset about it.

23 Well, we're split, as you've heard, on turbines
24 whether they're industrial intrusions -- and there's no doubt
25 that they're industrial -- or whether they're a symbol of

1 responsible stewardship, and that kind of interpretation is
2 actually important.

3 If we were talking about putting a gas-fired plant,
4 power plant, there would be no question that it wouldn't be
5 acceptable.

6 This is a different situation. Both of them would
7 have significant visual impacts.

8 MR. WIGHT: Thank you.

9 THE CHAIR: Marcia.

10 MS. SPENCER-FAMOUS: Jim, I was thinking about the
11 lighting subject. That is something that hasn't been clarified
12 in the testimony. Of course, one has to go back through
13 experiences and think about if I saw lit towers, how much did
14 they effect the night sky.

15 In my own experience in my adult life has been a
16 couple different circumstances. One was long distance where I
17 could see the Cutler towers, which as we all know are roughly
18 1,000 feet tall and are lit, and can be seen from a long
19 distance, that is Down East; and then in another case there's a
20 cell tower that is a couple hundred feet tall about a mile from
21 my house, but I couldn't see the tower and the lights right
22 over the top of the hill.

23 So clearly the lights should have affected the sky.
24 In both of those cases while they were lit and lit for obvious
25 reasons and significantly so, I had no problem ever seeing the

1 entire Milky Way in the Down East area regardless of those
2 lights.

3 So I don't understand -- I guess the type of
4 lighting -- do you know anything about the type of lighting
5 that's used? Does that reduce that glow? I'm more familiar
6 with the city glow because I grew up in the city, and you
7 cannot see the night sky.

8 But in the cases of lighting on towers for aviation,
9 I haven't had the experience of it varying the view of the
10 night sky.

11 Do you have any insight on that?

12 MR. PALMER: It's not an area that I've actually
13 studied in great detail, but the lumens will effect, if you're
14 looking right at a light, that will effect your eye, so it may
15 affect the visibility of anything right around those areas.

16 But it's not going to have the same kind of lighting
17 impact that a city does or the ski runs would, if they were
18 lit. It's not going to have that incredible impact.

19 But again, it's not something I've studied in great
20 detail. I've not evaluated that.

21 THE CHAIR: Thank you.

22 We're ready for our cross. Mr. Thaler.

23 Mr. Thaler has a generous allotted 25 minutes. My
24 spreadsheet says that, but I'd be willing to give you less.

25 MR. THALER: I'll budget it somewhere else.

1 MR. PLOUFFE: Could Marcia clarify for everybody,
2 please, that I have reserved time to ask questions.

3 THE CHAIR: I've got you on here to testify.

4 EXAMINATION

5 (Of Mr. Palmer)

6 BY MR. THALER:

7 Q. Mr. Palmer, I'll try to move quickly.

8 In terms of the lights that we were talking about, is
9 it your understanding that the only lights up there with the
10 turbines would be the pair of red lights on some of the
11 turbines at the nacelle level?

12 A. That's my understanding, yes.

13 Q. And that -- Mr. DeWan's prefiled testimony, did you get a
14 chance to look at that?

15 A. I was using an earlier version. I didn't reread the
16 prefiled.

17 Q. That indicates that there could be space so that there
18 would be a pair of lights approximately every half mile and
19 they would have a slow-on/slow-off profile?

20 A. Right, instead of the strobe light; that's my
21 understanding.

22 Q. And by not having a strobe would that, in your judgment,
23 reduce adverse scenic impact from the lights?

24 A. I think that it might help, but what's important is that
25 the lights are really there.

1 My understanding is actually the slow-on and -off may
2 be more useful for birds. I think there are 15 lights that are
3 strung up along and they will be seen.

4 Q. Right. When you say strung up, they're not going to be
5 vertical on a tower?

6 A. Yes, I understand that. They're going to be in half-mile
7 kind of distances plus the ends of each of those.

8 Q. Is it also your understanding -- were you here yesterday
9 when Mr. DeWan presented his overview in the morning?

10 A. Yes, I was.

11 Q. And just to refresh your recollection, the lights are
12 designed to be visible to low-flying aircraft, that's what the
13 FAA is interested in, 5 to 7 miles under clear conditions?

14 A. Right.

15 Q. Do you have a sense of how far the lean-to is at the Horns
16 and Bigelow from where the turbines would be that could be
17 visible from that lean-to?

18 A. No. No, and I actually can't tell you how far away the
19 lights will be visible.

20 Q. All right. If I represent to you that it would be in
21 excess of 10 miles, based on your visual acuity analysis, I
22 believe you indicated that you really wouldn't be seeing very
23 much or much of an image at all beyond 10 miles?

24 A. That would be an object. The lights are going to be a
25 different kind of situation because they're producing their own

1 light.

2 Q. Right. And Mr. DeWan said that it would appear sort of
3 like red starlight dots; would that be your expectation?

4 A. Yes, that is my expectation.

5 Q. Let me just move quickly to -- you talked about context
6 and that in terms of your definition of context, you feel in
7 your opinion that it's important in order to accurately, for
8 the viewer or judge or whoever, to get a sense what something,
9 what kind of impact would be happening, to provide the context
10 of what surrounds the object; is that right?

11 A. That's correct.

12 Q. Would it also then be true that if the simulator took the
13 context out, that that would overemphasize the scenic impact or
14 effect?

15 A. It would put it in a different context. It could
16 overemphasize, de emphasize, depending on what the other
17 context is.

18 In this case, yeah. If there's a context that's
19 going to reduce scenic quality and that's taken out, it's going
20 to accentuate the turbine impact.

21 Q. Also in terms of context, if you were thinking of
22 places -- I know, I think you did your dissertation on part of
23 the Appalachian Trail; correct?

24 A. That's correct.

25 Q. So you're familiar with the highest spot in Massachusetts,

1 which is on the Appalachian Trail, Mt. Greylock?

2 A. Yes.

3 Q. And you can spend a night there in a lodge, and there's
4 also a concrete observatory there?

5 A. Hm-hmm (indicates yes).

6 Q. Also Clingman's Dome, are you familiar with that?

7 A. Yes.

8 Q. And that's the highest point on the Appalachian Trail both
9 in Tennessee and the whole trail; correct? Clingman's Dome is
10 the highest point on the Appalachian Trail?

11 A. I can't say that for sure, but I'll take your word for it.

12 Q. And that also has a concrete observatory on it; correct?

13 A. Hm-hmm (indicates yes.)

14 Q. And we already know about Mt. Washington, most of us, what
15 kind of facilities are up there; correct?

16 A. Yes.

17 Q. The last question, in terms of your comment about
18 decommissioning and recognizing that while the LURC regulations
19 don't specifically discuss decommissioning, you mention that as
20 something the Commission would at least want to be concerned
21 with or aware of, have you seen the letter from Edison to the
22 Commission that was filed back in May with the responses to
23 agency comments in which Edison committed to put forth whatever
24 funds would be required or requested by LURC to decommission
25 the project if it ever needed to be decommissioned?

1 A. I haven't seen the letter, but they did mention it in
2 their testimony.

3 MR. THALER: Thanks. I have nothing further.

4 THE CHAIR: Thank you. Mr. Plouffe.

5 EXAMINATION

6 (Of Mr. Palmer)

7 BY MR. PLOUFFE:

8 Q. Mr. Palmer, my name is Bill Plouffe, you know I'm
9 representing the Appalachian Trail Conservancy and the Maine
10 Appalachian Trail Trail Club.

11 You looked at Chapter 10 of the LURC regulations as
12 part of your review, and you also looked at the DEP Chapter 315
13 regulations; correct?

14 A. Correct.

15 Q. On Chapter 10 in the LURC regulations -- if you're
16 familiar with them -- Section I under scenic character, c,
17 says, [quoted as read] If a site includes a ridge elevated
18 above surrounding areas, the design of the development shall
19 preserve the natural character of the ridgeline.

20 Yet I thought I heard you say things like, they
21 seemed to have done the best they can, one does a cost benefit
22 analysis.

23 Where in the regulations or the statutes do we find
24 language concerning cost benefit analysis, or doing the best
25 they can?

1 A. It wasn't the cost -- I was using positive and negative
2 impacts. Impact has to do with weighing the positive and the
3 negative effects.

4 That's not the point. I get what you're saying.

5 It doesn't. I think I was also clear that it's a
6 major impact on the ridge.

7 Q. And we certainly agree on that.

8 Chapter 315, which, as you explained correctly, is a
9 much more fleshed out analysis vehicle in State law.

10 Would you agree -- you're aware that Chapter 315 says
11 that even if mitigation has been done to the maximum extent
12 practicable and is still an unreasonable adverse impact, then
13 the project has to be denied?

14 A. Yes, I am; but it's my understanding that 315 doesn't
15 apply in this case.

16 Q. You agree with me what 315 says?

17 A. (Indicates yes).

18 Q. When you were preparing for this assignment, where did you
19 go on the Appalachian Trail?

20 A. I went on the field trip with the Commission, so the
21 primary view was up behind us; and I went on Saddleback and
22 Horn, and we came back -- we had intended to go to Saddleback
23 Junior. They wanted us off the mountain because of thunder
24 storms.

25 Q. I thought I understood your testimony to be that if this

1 project is built, there will be three major development areas
2 visible?

3 A. No, in the region. In this little area, there are three
4 significant visual impacts -- not the area, but the valley.

5 Q. From the Appalachian Trail, then, is not what you're
6 saying?

7 A. You wouldn't ever be able to see all three from the
8 Appalachian Trail but the certainly the side trail, the
9 blue-blaze.

10 Q. From the Appalachian Trail itself, though, as a matter of
11 fact -- and if you don't know the answer because you haven't
12 been there, just say so -- if you're hiking over the Horn, for
13 example, you have been, you can't see Sugarloaf ski area at
14 all, can you, except perhaps on a clear day maybe from one of
15 the summit towers?

16 A. I did not see Sugarloaf.

17 Q. And Saddleback -- well, you haven't been to Saddleback, so
18 you don't know.

19 You talk about the context of things, and you
20 reference three -- you said there were three photographs that
21 people should look at in the three reports -- the Vissering
22 report -- and that was the view from Sugarloaf?

23 A. That's my memory, yes, that's correct.

24 Q. Is that Figure 2 in Eric Crews' report?

25 A. That's what my notes say, yes. And the simulation is G;

1 is that correct?

2 Q. I don't have that simulation.

3 So your point is that, what, the photographer in some
4 cases left out some of the man-made elements on the top of
5 Sugarloaf?

6 A. In the existing condition photographs that Crews has,
7 that's not true, there are man-made elements; but in the
8 simulations of the impact, there aren't.

9 Q. All right.

10 A. That's my point.

11 Q. Okay. Thank you. I just wanted to clarify that.

12 A. But -- I mean, I don't want to say that in a way that
13 suggests that I think that Eric was really trying to do that in
14 a misleading way. I think that those are honest, professional
15 differences in how you represent the condition.

16 I think what's important is that all of these
17 simulations are done essentially millimeter focal length lens,
18 and they all show the turbines as being essentially the same
19 size and the same place.

20 There are slight differences in how clear they are,
21 but they're all pretty much in agreement.

22 Q. I apologize. I was out of the room when you apparently
23 said something, it was reported to me. I want to clarify this,
24 that in your mind there is a difference between a gas-fired
25 power plant on the summit of Redington and a wind plant on the

1 summit of Redington?

2 A. That would be true.

3 Q. What did you -- why is it -- what did you say was the
4 difference?

5 A. Because there's a symbolic meaning associated with those
6 two kinds of plants. We've heard testimony these past two
7 evenings.

8 There is a significant group of people for whom --
9 carbon dioxide produced by the gas plant is causing the death
10 of the plants and that one of the ways to get out of that is to
11 use wind energy; and so a wind turbine would be seen as a
12 progressive element, for those people, in the landscape.

13 Q. So that opinion has nothing to do with the visual
14 assessment, it's just the difference in how people might
15 perceive the connotation of the object?

16 A. It doesn't have to do with whether the objects are
17 visible, but it does have to do with the scenic or aesthetic
18 assessment.

19 Q. Where in the regulations of the Commission or in State
20 statute or the DEP regulations do I find the justification of
21 finding that distinction?

22 A. I can't give you that reference.

23 MR. PLOUFFE: Okay, thank you.

24 THE CHAIR: Thank you very much. I think, Jim,
25 you're off the hook.

1 MR. PALMER: Great.

2 THE CHAIR: Thank you very much.

3 It's 11 o'clock and we're going to give our reporter
4 a break here. And while she's taking a break, I think,
5 Mr. Plouffe, is your group ready?

6 MR. PLOUFFE: We'll be ready.

7 THE CHAIR: Why don't you go ahead and get your group
8 assembled while she's taking a break. We'll come back in 5.

9 * * * * *

10 (There was a break in the hearing at 11:00 a.m. and
11 the hearing resumed at 11:10.)

12 * * * * *

13 THE CHAIR: Go ahead.

14 MR. PLOUFFE: Thank you, Mr. Chairman. Now begins
15 the testimony of the cohorts composed of the ATC, the MATC,
16 Maine Audubon, and AMC. We're going to present to you with
17 nine witnesses and four panels.

18 The first panel will be Jean Vissering on visual
19 impacts, and then we'll have three other panels: Mr. Brown,
20 Mr. Lambert, and Ms. Calhoun; and then Mr. Albright, Ms. Jones;
21 and then the last panel will be Mr. Publicover, Mr. Horn, and
22 Mr. Field.

23 So without delaying further, Jean Vissering is going
24 to provide her direct testimony, and by agreement, Mr. Thaler
25 has agreed that he will cross-examine Ms. Vissering after the

1 Commission's asked their questions so that she can leave. She
2 needs to be out of here to catch a ferry boat. I appreciate
3 Mr. Thaler's cooperation.

4 MS. VISSERING: I appreciate your cooperation, also.

5 My name is Jean Vissering. I'm a landscape architect
6 in Montpelier, Vermont, and I have quite a number of years of
7 experience doing visual resource planning and visual impact
8 assessment since 1976.

9 Most recently I have been involved in looking at wind
10 energy sites. Since 2002 I was working with the Public Service
11 Department, this was an individual job, with a group of
12 stakeholders in Vermont, including Mr. Lee and Mr. Horn.

13 Out of that I developed a publication called Wind
14 Energy and Vermont's Scenic Landscape. Since then I have been
15 working on many multiple projects looking at wind energy
16 issues, and I am also working for the developer on the proposed
17 Deerfield wind project in Vermont.

18 I think this case is going to be an extremely
19 important one in determining the direction of wind energy
20 siting in Maine, and I'm very honored to be part of this
21 process.

22 I think wind is going to be a small, but very
23 critical, part of your energy future, especially as it is
24 combined with many other methods for reducing our dependence on
25 fossil fuels, and in fact, quite honestly I would rather be

1 promoting wind energy than working against it.

2 But I firmly believe that there are some sites which
3 for visual or other reasons are not going to be suitable.

4 I, to date, have looked at approximately 13 or 14
5 different projects, mostly on the east coast, and of those, two
6 of those I believe that there are significant visual impacts,
7 this being one of them and the other one for very different
8 reasons.

9 In fact I have been asked by opponents to work on
10 five other projects, which I have declined to work on because I
11 did not believe that there was a case or that their reason for
12 position was valid. One of those was Mr. Lee's other projects
13 in Vermont.

14 But getting to this project, the Commission must
15 decide whether or not there will be no undue adverse effect on
16 existing uses, scenic character, and natural and historic
17 resources in the areas affected by the proposal.

18 The Commission also has a stated goal of conserving
19 and protecting the values of high mountain areas from undue
20 adverse impacts.

21 Now, wind energy -- at least in the eastern
22 United States -- has been to be sited where the wind is, and
23 those include certain farm lands, open farm lands, certain
24 ridgelines, and offshore areas.

25 And so I think in each of these categories there will

1 be appropriate sites. I don't think that visibility, per se,
2 is the issue, nor do I think that the height of the turbines is
3 necessarily a concern.

4 Rather, I think the issue is, and we should be
5 focusing on, the particular character of the context, the
6 particular and noteworthy scenic resources that exist within
7 that context and their sensitivities.

8 There are two ways to evaluate scenic resources from
9 potential site impact, and both of them are very important.
10 The first is the so-called professional approach, and it's
11 usually done by landscape architects -- we have four of them,
12 at least, in the room here -- and it's based on research of
13 human perceptions of landscapes.

14 You've heard about the most notable example, the US
15 Forest Service Scenic Management System, which has been adapted
16 by states, regions, localities for the particular needs. The
17 principles always remain the same, but it can be adapted to
18 different landscape types.

19 The second approach is a public evaluation process,
20 and there are a number of ways to do that, one of which you
21 were doing last night.

22 The reason this is important is outside professionals
23 don't always know what is valuable to locals, we can't pretend
24 to. When I evaluate visual impacts, I expect there to be some
25 impacts, but when there are numerous effects to particularly

1 sensitive sites, I believe there's reason for concern.

2 In this case, for example, it is true that the
3 project would be visible from numerous lakes, from various
4 roadside viewpoints. I think those are important but what
5 pushes this one up into the realm of undue for me are the views
6 from the Appalachian trail.

7 Of concern here is the proximity of the proposed
8 project to a highly sensitive and publicly documented viewing
9 area from which both the scenic quality and the freedom from
10 development are important.

11 And it is not just that this project is visible from
12 the Appalachian Trail; the project that I'm working on in
13 Vermont is also visible from the Appalachian Trail. But what
14 is different about this particular project is the -- first of
15 all, it would be visible for a long duration, up to five days
16 of hiking, it would be seen at varying distances, much of it at
17 very close range, 1 to 5 miles. Moreover, these are views
18 which are unquestionably spectacular. There is highly scenic
19 foreground, middle ground, background.

20 At the present time the existing character of these
21 views is predominantly natural appearing. There are logging
22 roads, they're nearly impossible to see from the trail. There
23 are almost no structures visible from the trail, and I'm going
24 to show you some illustrations in a minute.

25 There are brief glimpses of ski areas, they're a very

1 minor part of the overall scene.

2 No. 5, from numerous project ridges are seen directly
3 across the valley. They are very prominent, they are distinct,
4 they're distinct in form, and they appear right across the
5 valley.

6 The views for hikers will not just be of wind
7 turbines but because of the elevation of the view, the
8 perspective of viewers from that very sensitive viewing area, I
9 am expecting roads and clearings to be visible as well around
10 the turbines.

11 Finally, I want to look at one type or a second type
12 of public process.

13 When I evaluate, I look at public documents to give
14 me a sense of what has been established as valuable to a
15 community, to a region, or to a state.

16 The value of the AT is well documented within the
17 state of Maine, including the LURC Comprehensive Land Use Plan.
18 The Maine legislature also recognized the AT as being of
19 statewide significance, but the question isn't just is it
20 significant, but why.

21 The AIM Trail System Act recognized the AT as one of
22 State's few trails to meet the more permanent designation which
23 is defined as trails provided with appreciation of natural and
24 primitive areas and for the conservation of significant scenic,
25 history, natural and cultural qualities of the area through

1 which the trails pass and offer primarily the experience of
2 solitude and self reliance in a natural or near natural
3 surroundings.

4 Also, the Maine Department of Environmental
5 Protection identified the AT as a State scenic resource for
6 protection by the regulatory process.

7 Beyond this, of course, this is a National scenic
8 trail recognized for scenic recreational and historic
9 importance.

10 So this is a unique and valued scenic resource and
11 one for which a critical part of the experience is being in a
12 natural setting with scenic views. It's not an urban foot
13 path.

14 So in examining the impacts of this project in
15 relationship to the Commission's evaluative criteria, it will
16 have obvious and undue adverse effects on existing uses, scenic
17 character, and natural and historic resources in the area.

18 These impacts won't be experienced at a long
19 distance, i.e., greater than 10 miles, but over an extended
20 period of time at close range.

21 Moreover, this is a highly scenic context that is
22 both distinct and largely intact.

23 Considerable care has been taken in the past to
24 screen areas from the Appalachian Trail, and unfortunately this
25 is not something that can be screened; but I think the question

1 is not whether wind projects are good or bad or whether they're
2 beautiful or ugly, the question is what are the impacts on this
3 site. We evaluate them like any other kind of project.

4 I just want to run through a few photographs. I have
5 some visual images.

6 We're starting with the view -- I'm going to start
7 without any labels because I want you to sort of focus on how
8 much development you can see, how many forest roads can you see
9 in some of these images.

10 When you look at these scenes, these are largely in
11 every respect natural appearing views, and there you can see
12 Black Nubble, Redington, both of which are fairly distinct in
13 their form. On Redington there's a ski slope on the right-hand
14 side in this case.

15 This just illustrates -- this is a view from
16 Saddleback Junior showing the extent of ledges along the upper
17 ridgelines of Saddleback in the distance, the Horn in the
18 foreground. You also can see here that Saddleback ski area is
19 certainly not visible. It's visible only very briefly from the
20 Horn.

21 As you come up on to Saddleback Junior, this is the
22 first view emerging from the forest of Black Nubble. It's very
23 prominent. It's right across the valley.

24 As you know, weather changes very quickly up there.
25 This is just an illustration of Cirque summit, brief summit

1 forest on the top of Saddleback.

2 This is a view, 50 millimeter lens, so this is an
3 actual view. You might need to be a little closer if you were
4 getting the actual view, but this is looking towards
5 Black Nubble.

6 It was the one we used for our simulation, and you
7 can see -- of course, a lot of it is protected by the US Navy
8 Training Center in there, but there's very little evidence of
9 any, roads logging, et cetera in there.

10 Same with Redington. It is -- this would be looking
11 down -- that's part of the AT in the foreground running along
12 the lower ridge, and then Redington right in the background.

13 You can see here that the Crockers are right behind,
14 so those wind turbines would be right between along Redington
15 but also right in front of Crocker from here.

16 So this is -- this is the view of Sugarloaf. This is
17 a telephoto view of Sugarloaf from the ski area from Saddleback
18 Junior. You can see how prominent the ski area development is
19 up there. It's barely visible.

20 Okay, a couple of simulations. You have pictures of
21 those in your files. On Black Nubble, on Redington.

22 Here we are on the top of Sugarloaf summit. We've
23 heard a lot about Sugarloaf summit, which is not technically
24 part of the Appalachian Trail, it's a side trail. It is the
25 one place along its entire stretch where you do see development

1 in the foreground and it is a side trail.

2 So there is the view of the turbines.

3 Sugarloaf Cirque, a fairly dramatic land form as
4 you're descending, and here's Redington Mountain from Sugarloaf
5 Cirque.

6 Again, you can see a little evidence of an old
7 logging road in there, but that's sort of typical of what you
8 might see, not exactly a very dominant physical form nor a
9 structure.

10 Here are the turbines from that same view from
11 Sugarloaf Cirque.

12 This one I did not take, it was taken by Matt
13 Robinson, GIS specialist. And here we're at Mt. Abraham.
14 Those foreground openings are part of ski slopes that you go up
15 as you ascent Mt. Abraham. That's Redington off in the
16 distance, Black Nubble right behind it. Redington is the white
17 ski slopes.

18 I've just got a couple of pictures. I'll run quickly
19 through these.

20 I don't have a simulation, but there -- shifting
21 over -- this is, again, a telephoto view from Mt. Abraham.
22 We're quite a bit closer now, but this is how Sugarloaf ski
23 area appears from Mt. Abraham, and I would have to telephoto in
24 to get anything that you would even be able to see.

25 This is descending Mt. Abraham back towards the AT.

1 You are looking for a distance directly at Redington. So part
2 of that you can't quite tell the difference. Crocker and
3 Redington are mixed in there.

4 The Redington Pond Range from Spaulding Mountain.
5 This is a picture. I did not visit Spaulding. This is a
6 picture that was also taken by Matt Robinson with a simulation.

7 And these were just a few. We haven't really talked
8 much about roadside views, but some different views from some
9 of the roads around the area. I'm not going to go into detail.

10 That's the end of my presentation.

11 THE CHAIR: Questions? Anybody? Steve?

12 MR. WIGHT: Thank you for that.

13 You said that you expect roads and power lines to be
14 visible as well as the towers. What do you base that
15 expectation on?

16 MS. VISSERING: I -- the top -- well, partly I base
17 it on the Applicant's admission that they would be visible,
18 except in their testimony, there were a number of places where
19 they said -- Mr. DeWan said -- that those would be visible.

20 If you look at where the roads are located -- well, a
21 few things.

22 I don't expect the power lines to be visible from the
23 Appalachian Trail. Let me be clear about that.

24 But the roads, the summit roads, if you look where
25 they're located, a number of places they'll be coming down

1 slopes that face the Appalachian Trail, viewpoints from the
2 Appalachian Trail.

3 And given the difference in elevation, equal or
4 above, I think it's inevitable that some of those roads will be
5 visible. My understanding is that to install the roads, you
6 need to have a 32-foot wide clearing. In fact, their road
7 detail shows a 32-foot wide clearing with a 6-foot shoulder
8 along the edge.

9 This is steep terrain, so it's going to inevitably
10 involve cut and fill in places.

11 So -- plus, I missed yesterday in terms of what they
12 testified for clearings for the turbines, but normally a
13 200-foot wide clearing is pretty normal for general maintenance
14 and also to reduce the drag on the turbines.

15 MR. WIGHT: Actually, the testimony refuted that.
16 Sorry, you didn't get there.

17 You said the ski areas have been screened from the
18 AT. We had testimony yesterday that the AT had been moved so
19 that it would not be able to -- or people on the AT would not
20 be able to view the skiers. Is that what you mean by screen?

21 MS. VISSERING: I think it was a combination of ski
22 areas, of adjusting the locations, and tree removal in planting
23 trails and locating lifts.

24 I think there was one section of that lift and trail
25 that was moved, but my understanding is it's a combination of

1 the two working together to develop something that would
2 minimize the visibility to the Appalachian Trail.

3 MR. WIGHT: You're talking about both Sugarloaf and
4 Saddleback?

5 MS. VISSERING: Saddleback, I know, that was the
6 case, and I'm less familiar with -- Sugarloaf except from the
7 Bigelows is not particularly visible.

8 MR. WIGHT: I think the testimony was that the trail
9 had been moved so that you couldn't see Sugarloaf.

10 The only other question I had was about your choice
11 of colors for the turbines. Were those white turbines that you
12 showed in your simulations?

13 MS. VISSERING: The simulations, of course, are
14 white, but the color changes dramatically depending on the
15 light.

16 MR. WIGHT: That's why I asked.

17 MS. VISSERING: The white color I'm not sure exactly
18 what your question.

19 I have no problem with the white color. I think that
20 if you're going to do turbines, that's a good choice.

21 MR. WIGHT: It just appeared that those were black.

22 MS. VISSERING: Yes, they were. Those were
23 silhouetted and you do see that depending on the lighting
24 situation.

25 They will look very different. They'll look -- in

1 come situations they'll look gray and in some, black, and some
2 white.

3 MR. WIGHT: Thank you.

4 THE CHAIR: We had -- and Jeff you can kick me if I
5 get out of line -- we've had three different presentations now
6 on -- expert presentations, representatively expert
7 presentations on visual impacts, and setting aside for a moment
8 the complex focal length and viewing angles and arcs and all
9 that stuff, I have to tell you -- and I'm not sure that anybody
10 cares -- but, you know, put yourself in our position of trying
11 to evaluate all of this stuff.

12 I think on the surface I'm going to give you a
13 simplistic view. They all look the same to me. I mean,
14 arguing about the details and how you got to where you got, the
15 towers are visible, I don't think anybody's arguing that. If
16 we can argue about the percentage of the trail that might be
17 seen and all that stuff, but the towers are visible in varying
18 degrees from short distances, long distances, from incredibly
19 long distances.

20 I mean, what -- I think everybody here -- the
21 Applicant and the others -- really have to -- what do you want
22 us to take away from that? They're visible, they're there, we
23 can't change that.

24 Are you going to offer us anything on the
25 interpretation that the Applicant has made that suggests is

1 different? What am I supposed to do?

2 I'm getting a little frustrated.

3 MS. VISSERING: I completely understand your
4 frustration. I would agree that some of the details that
5 you've been hearing to me are not really relevant in your
6 decision.

7 You have a site, and to me the issue -- the turbines
8 will be the same from project to project, and you have to
9 assume that there will be places where these big things will --
10 are going to be work.

11 But the question is, what is it about this particular
12 site? Are there resources that are unique to this particular
13 site that will be unduly affected that cannot be changed? Or
14 cannot be mitigated.

15 You know, I think that -- there will projects where
16 mitigation, reducing the number of turbines, that kind of
17 thing, will solve the problem.

18 I think that the first and foremost issue in looking
19 at wind and siting wind energy projects is the site itself.

20 If you have a site that works, you can tweak it, you
21 can figure out, well, let's move this one so it's not visible
22 from here.

23 To me the issue here is the resource. This is not a
24 resource that I came up with as being important. This is
25 documented as being highly important to the state of Maine, and

1 I think that if you are looking at -- if you are looking at it
2 from the point of view of the site and its context, you have a
3 site that is -- it's not just -- it's not just an undeveloped
4 site. It's an undeveloped site through which a trail of
5 national significance is running immediately next to it that --
6 or an extended period of time, not just one or two viewpoints,
7 extended viewpoints in some highly scenic areas.

8 I doubt seriously that you will find many situations
9 where this will occur.

10 I mean, I've looked at, as I've said, we have a
11 number of projects in Vermont right now. Most -- few of them
12 have seen the kinds of impacts that we're talking about here:
13 Highly sensitive sites immediately adjacent to the trail.

14 Yes, they will have impacts. They will be seen.
15 They will be seen from people's residences. They will be seen
16 from lakes.

17 But there is not going to be a documented resource.
18 It's one of the reasons that the Action 50 Commission over
19 Vermont went to a community standard as being an important part
20 of the aesthetics criterion, because instead of making that
21 judgment, how do I decide what is going to be offensive?

22 The community has decided what is important to it and
23 it's documented it. It's not just a few people saying, well,
24 this is our backyard and we really like it. This is a large
25 group of people over and over again saying, this is one of the

1 most valuable resources we have in Maine, and it's valuable.

2 And the other piece is it's not just valuable as a
3 cultural piece, it's not just a -- it's not a local green.
4 It's where you don't have development around it. The value of
5 it is that spectacular views and in the natural context.

6 That to me, you know, gets you away from, well, yes,
7 people like it, some people don't; but I think the critical
8 thing for you is you're going to have to -- you're going to
9 have to be able to look at this and say, there are very
10 particular reasons why -- well, either this will work in this
11 site as a precedent for other sites where you have some
12 resources, and it's very difficult to do without seeing what
13 else is out there.

14 But this is an important precedent and having some
15 idea of what are going to be the important visual criteria,
16 some factors that played out in different situations will come
17 up with answers that really make sense that recognize the
18 individual context.

19 THE CHAIR: Thank you. Marcia.

20 MS. SPENCER-FAMOUS: Jean, if you will, I did notice
21 that you mentioned the Navy Survivor School and as I was
22 looking at your Exhibit C, unfortunately it's not as clear on
23 that.

24 MS. VISSERING: Oh, you're right.

25 MS. SPENCER-FAMOUS: I did want to ask you whether

1 you factored in the fact that roughly half of Redington
2 Township, which is in the entire area between the Horn,
3 Saddleback Junior, Poplar Ridge, and Spaulding Mountain between
4 that and the proposed facility, is kept in a remote sense
5 although it is a Navy training facility there.

6 It gives a perception of remoteness, but it's kept
7 upland by virtue of the fact that about half of that township
8 is owned by the Navy and is used in that fashion.

9 And I don't know whether that point is brought out.
10 I'm very aware of the fact as I go through the different uses,
11 I have to think of all the existing uses. If one hikes -- I've
12 been up on Saddleback Junior and looked out, and I only saw a
13 little road and small mountain and I saw Black Nubble and
14 Redington ridge, but know that that entire half of that
15 township is owned by the Navy for their training facility.

16 So that keeps it in that condition and gives a sense
17 of remoteness because of that.

18 Did you think about that as you were doing your
19 evaluation?

20 MS. VISSERING: Yes, absolutely. It is sort of a
21 circumstance as it is with all -- any piece of land we're
22 looking at. It will have a condition that is influenced by
23 many factors, but clearly this is one and that piece of land
24 comes very quite far up the sides of Redington.

25 So it does have -- you're absolutely right, it does

1 have the effect of keeping it in a more pristine condition.

2 However, I would also point out that even looking in
3 other areas in other views where that is not the case, you do
4 have -- there is quite a bit of evidence of logging, but
5 logging is a sort of loose pattern of different vegetative
6 colors. It's not structure and that's a big difference, I
7 think.

8 Even where you don't have that area where very little
9 is going on, you still don't see -- from most places along the
10 trail, you don't see structures. You see this sort of evolving
11 pattern of vegetation.

12 MS. SPENCER-FAMOUS: Thank you.

13 MR. WIGHT: Do we have a map of ownership patterns in
14 this area?

15 MS. SPENCER-FAMOUS: Yes, I have that in the file if
16 you would like to take a look at it.

17 MR. WIGHT: I would, yeah, eventually.

18 It all of a sudden struck me that if this project is
19 denied, then in fact we may be backing into a zoning. We may
20 be saying that no land within a certain distance of the
21 Appalachian Trail can be used for certain things.

22 So maybe we need to know whose lands we're talking
23 about.

24 MS. VISSERING: Could I have a response to that?

25 I do think that that is -- I would really be hesitant

1 to say that that was the case.

2 I think that it's very important to understand that
3 the reason for the concern here are the particular
4 characteristics of this site with an extended period of view
5 because there are numerous cases where it's visible from the --
6 where this will be wind projects visible from the Appalachian
7 Trail possibly even closely, but where you have a context that
8 is maybe more developed or it's a very brief view, that's very
9 different, and I think that's important.

10 MR. WIGHT: I'm just concerned about this particular
11 area.

12 MS. VISSERING: Okay.

13 THE CHAIR: Thank you. I think we need to move on to
14 Mr. Thaler who will do his cross.

15 He's got 5 minutes or so.

16 MR. THALER: I think I have -- I have a lump sum that
17 I have to work against. I'm going to try to keep it close to 5
18 minutes.

19 THE CHAIR: We'll give you a little latitude there.

20 MR. THALER: Thank you.

21 EXAMINATION

22 (Of Ms. Vissering)

23 BY MR. THALER:

24 Q. Ms. Vissering, my name is Jeff Thaler. Let me ask you a
25 first questions, please, and I'll, again, try to keep my

1 questions focused.

2 The photographs that were in your reports which you
3 showed up on the screen today, did you take all those, the
4 winter views, the summer views? All of those?

5 A. I took probably 90 percent of them. The ones that I
6 didn't were noted as being taken by someone else. The first
7 scene from the Horn was taken by ATC staff, as were the
8 Spaulding views.

9 Q. How about the winter views?

10 A. Those I took.

11 Q. Okay. Is it true that, as you indicated in your report
12 and with Mr. Crews, that as of the seven sort of, you might
13 call them important view areas, that you described, you only
14 personally visited three of them; correct?

15 You didn't visit Saddleback and the Horn by
16 Saddleback; correct?

17 A. That -- I did not. Saddleback Junior, Mt. Abraham,
18 Sugarloaf, and Sugarloaf Cirque.

19 Q. You didn't visit the Bigelow range and the Horns at
20 Bigelow; correct?

21 A. That's correct.

22 Q. You didn't visit Spaulding or Crocker; correct?

23 A. That's correct.

24 Q. You -- Mr. Wight -- Commissioner Wight mentioned to you --
25 I guess you missed it yesterday -- you threw out this concern

1 about a 200-foot radius clearing required, you said, required
2 around turbines.

3 The testimony yesterday was that it would be a
4 20-foot radius, and beyond that there would be no tree
5 trimming. That was stated in the May responses to LURC
6 questions.

7 Have you ever reviewed those before you filed your
8 testimony?

9 A. I reviewed the -- I did review those. I didn't remember
10 seeing that in there. I do know that almost every other wind
11 project I've been involved with has a 200-foot radius.

12 Q. So if this one was a lot less than 200, then you would
13 think that that would be a positive environmental step; would
14 you agree?

15 A. Yes.

16 Q. You also indicated in your testimony that from the
17 Appalachian Trail you said there's "very little human made
18 structures."

19 Is it your testimony that you can't see the
20 Saddleback ski area or the Sugarloaf ski area from the
21 Appalachian Trail?

22 A. No; I said very little evidence.

23 Q. Are you aware that you can also see transmission lines,
24 roads, and stockpiles -- gravel stockpiles -- on the Navy land
25 from the Appalachian Trail?

1 A. Well, I never saw any of that stuff from several critical
2 viewpoints. None of that was visible.

3 Q. But you didn't get to at least half or more of the
4 critical viewpoints you described in your report, correct, you
5 personally?

6 A. I did not get to the Crocker view. No, I did not get to
7 the Horn view. You can see that photograph and the Horn.

8 Q. You didn't get to Bigelow range, either; correct?

9 A. That's right.

10 Q. You also testified in your written statement that this
11 area of AT, "some of the wildest and most remote sections" of
12 the trail.

13 By remote, are you saying that a trail that is within
14 half a mile to ski areas is remote from development?

15 A. The Appalachian Trail Conservancy considers this to be one
16 of the few places along the Appalachian Trail where one can
17 have an extended period of time between road crossings where
18 there is no -- virtually no development.

19 Q. I don't think you answered my question. I'm not asking
20 what the Appalachian Trail Conservancy might think. I asked
21 about what you are testifying to and what you stated in
22 writing.

23 Is it your testimony that a trail half a mile from
24 two ski areas is "remote."

25 Is that your definition of remote?

1 A. Absolutely. I think this is something that has been a
2 value of the trail and it has been upheld in past development.

3 This is absolutely critical when you're looking at
4 scenic or visual impacts.

5 Those two ski areas are on the periphery -- they're
6 both concepts from the major road, they're on the periphery.

7 There's a long area of hiking through a huge arc
8 that's made by the Appalachian Trail through that area from
9 which those two ski areas are virtually not visible.

10 Q. You also wrote in your testimony that from the Horns' pond
11 campsite, lights of this project would be "quite common and
12 dramatic."

13 Have you been at that campsite?

14 Do you know where the Horns' pond campsite is?

15 Do you recall talking about the lights of this
16 project in your prefiled?

17 A. Yes, I do, but could you point to those?

18 Q. I will. If you don't recall writing about that, we'll
19 come back to that if I have time.

20 You also wrote in your testimony that the proposed
21 turbines are not so large that they will overwhelm the height
22 of the project ridges.

23 So are you agreeing with Mr. Palmer that the turbines
24 would not be a dominant element in the view?

25 A. No, I think that's -- well, there's an important

1 distinction here, which I would like to make if I'm allowed the
2 time.

3 Q. I just asked you a simple question.

4 Do you agree with Mr. Palmer that the turbines would
5 not be dominant given that you said they will not overwhelm --

6 A. No.

7 Q. -- the area?

8 A. That's two different points and I can't.

9 My answer would be no in answer to your question.

10 Q. Thank you. Some of the Commissioners, I think Mr. Wight,
11 asked you about some of your simulations and they appeared --
12 and I'm looking at D-4B from Sugarloaf Cirque -- and how the
13 turbines seemed fairly dark and you had responded to that.

14 Do you know what kind of turbines were simulated in
15 that simulation?

16 A. It was -- it was the Vestas V90 I believe. I didn't do --
17 Matt Robinson created the simulation and put the turbine --

18 Q. You didn't give him the specifications as to what you
19 wanted to be in the simulation?

20 A. We had the specifications in terms of height and
21 dimensions of the turbines, and that's what was used.

22 Q. Last -- and I apologize to the Commission. I thought I
23 made 25 copies of every exhibit I've used so far, and this
24 morning I found that I thought I had 25 here and I have the
25 original. I will get copies made during our lunch break, which

1 I assume we'll have a lunch break, and I will distribute it to
2 Mr. Plouffe and all parties then.

3 What I've shown you and will offer as an exhibit is
4 from a website called Building for Social Responsibility, and
5 the title of this is Jean Vissering's Questions and Answers.

6 Is that you?

7 A. That's me.

8 Q. And the question that you were answering was: Question,
9 is there anything in the 248 process -- and that's an
10 environmental review process in Vermont; correct?

11 A. Yes, that's correct.

12 Q. Is there anything in that process that speaks to
13 cumulative impacts of more than one project in a given area,
14 and there goes on with a series of questions and answers.

15 What I would like to call your attention to is Page 2
16 where the question is, How would you compare the transformative
17 visual impact of grain silos becoming common in Vermont
18 landscape to possible wind development? Are they comparable?

19 This is somewhat similar to a question Commissioner
20 Hilton had asked earlier.

21 Do you recall giving answers to these questions on
22 the website?

23 A. Yes, I do.

24 Q. Do you recall stating that both grain silos and wind
25 turbines are technologies responding to the resources involved;

1 do you recall saying that?

2 A. Yes.

3 Q. Do you also recall that both express a logical
4 relationship with the resources involved?

5 A. Yes.

6 Q. If you could read aloud for the Commission, and then again
7 that would be done at that point, the sentence starting with
8 "while wind turbines are appropriate?

9 A. [Quoted as read] While wind turbines are appropriately
10 linked to ridgelines in Vermont, they're nevertheless being
11 located on landscapes that have heretofore been considered
12 somewhat sacred. We need to recognize this, proceed with
13 caution, and recognize the concern expressed by citizens as a
14 reasonable response.

15 In parenthesis, if none of us were NIMBYs, the world
16 would be a mess; however, I do think that there is some
17 unjustified fear about -- I think I meant to say "these."

18 This was a very hastily written thing in response to
19 some questions for which I was not being paid by the way.

20 And that we will over time come to see them more
21 popular, especially if we site them with respect for the scenic
22 resource values. We will need to sacrifice some of our
23 ridgelines to balance the harm that has resulted from our
24 unbridled use of energy in this country and all of the world at
25 this point.

1 And I would completely agree with that statement.

2 MR. THALER: Thank you very much. I am done,
3 Mr. Chairman.

4 THE CHAIR: Thank you. The Internet is a wonderful
5 thing to remind us of what we wish we hadn't said.

6 MR. THALER: The Internet is a wonderful thing.

7 THE CHAIR: It depends on the point of view.

8 MR. THALER: Exactly. I think that's it.

9 THE CHAIR: We'll do the rest of the cross later.
10 We're going to -- I would like to go for half an hour,
11 Mr. Plouffe, if we could. I don't know whether you'll be done.
12 If you're not, we'll just continue after lunch.

13 We had a few problems with our lunch logistics
14 yesterday, and I want to make sure we have lunch when we get
15 there, not after we're ready to leave.

16 If you would please go ahead, I would appreciate it.

17 MR. PLOUFFE: Is Ms. Vissering free to go?

18 THE CHAIR: She is free -- as far as I'm concerned,
19 she's free to go.

20 Thank you very much for being here.

21 MS. JACOBSON: Good morning, Mr. Chairman. This next
22 panel will consist of Dr. Aram Calhoun, Bud Brown, and Bert
23 Lambert. I think we'll start with Bud Brown.

24 MR. BROWN: Good morning, Mr. Chairman, member of the
25 Commission. Thank you for this opportunity.

1 Just one quick point about the visual things, an
2 observation I made since I read all the application, everything
3 from the Applicant's prefiled, and one thing I saw about lights
4 on towers.

5 I happen to live on the coast of Maine down at
6 Georgetown, and the only thing I see out of my bedroom
7 window -- I have an old Victorian house with a turret and my
8 wife and I have a bedroom there -- and the only thing I see
9 once the summer people leave is the two flashing lights on the
10 Bath Iron Works crane, and it's very visible to us, and I don't
11 know that it offends me, but just so you know, what it is is
12 it's two lights that kind of pulse on and off, red lights.
13 It's a constant thing going and coming all the time.

14 So I plotted that out in my maps, and it's 10.3 miles
15 from my bedroom window to that Bath Iron Works' flashing red
16 light, which is clear as a bell out of my bedroom.

17 Now, let's go to -- if Tim has this thing working.
18 As some of you know, I've been working in Maine as an
19 environmental consultant for 31 years now, having fun all the
20 time doing it. I work on this mountain a lot. I have got an
21 after-the-fact permits or worked on after-the-fact permits for
22 site locations for the VA, Army Corps of Engineers on every bit
23 of it: The slopes, condominiums, the mountains, the golf
24 course, everything that's here.

25 I've also worked down at Flagstaff Lake on hydro

1 licensing. I did a project for budworm back in the '80s, so I
2 know this area in and out.

3 And what I did involved with this is typically I work
4 for applicants, not the intervenors.

5 But I looked at the Application to see if it had the
6 elements in it that I would have if I were preparing an
7 application for LURC or for DEP. I think the last time I came
8 before LURC was when I did the water withdrawal permits for
9 Cherryfield Foods, which was 8,000 acres of irrigation and it
10 was all about wetlands.

11 What I did was I read the entire application, and
12 Marcia asked me if I did. In fact, I read every bit of it. I
13 may forget some things, but I read it in the context and I
14 wanted to know what was going to happen there, what kind of
15 trucks are going to be going up and down the roads, how the
16 transmission lines are going to be built, everything.

17 The first thing that struck me -- the first thing
18 that struck me was there was, I believe, 7,616 square feet of
19 wetland impact in the S-3 supplement.

20 My experience over the many years has been is we
21 figured that one-third of all acreage in Maine is wetland, and
22 it's going to be a little bit different here in the mountains,
23 particularly because of steep slopes, because the soils don't
24 develop the harboring conditions, but we have to deal with the
25 seeps.

1 The acreage involved in the linear portions of
2 this -- now that I've found out there's on average 1,000-foot
3 corridor involved here -- is there's 3,300 acres of land in the
4 linear forces -- the roads, the transmission lines -- not
5 involving the footprint.

6 So I looked at that. I looked at all the
7 requirements in the S-3 supplement, and it didn't jive with me
8 that there were going to have that much increase, it didn't
9 make sense.

10 So what we did is we got the CAD file from the
11 Applicant, broke it into our GPSs, and Tim Forester, who's here
12 with me, and I and two member of the Applicant's team went out
13 and we walked it inch-by-inch, row-by-row.

14 We went with no preconceptions. We had no idea what
15 the Applicant had mapped or anything. We simply started
16 walking and we did it. Every time we stopped, we took a
17 picture, we took field notes, I gave you the field notes.
18 They're unedited, they're exactly what we thought about what we
19 saw as we went along.

20 We put it on a map, and the maps that I presented in
21 my testimony simply show you a representation of where these
22 items are. We didn't say if they were big streams, small
23 streams, big wetlands. We didn't try to attribute acreage to
24 it or anything like that.

25 The other thing I -- having been involved with

1 projects like there, whether golf courses or working on power
2 lines or whatever it is, ski slopes -- is we have a requirement
3 to avoid and minimize adverse impacts and regulated resources.

4 I look at this, and a couple of things jumped out at
5 me. The first thing, this is the transmission line coming off
6 27, does this routine. That's about an additional -- there are
7 roads that run through here -- they're right on the maps --
8 that run off the existing Boralex power line. There are roads
9 that run down through here and over into the -- I think this is
10 called a scavenger -- where the 34.5 and the 115s come
11 together. It's a couple of miles extra length of power line.

12 Now, I read in the application that it was to avoid
13 forestry operations. Well, I looked at what Egro said about
14 how much it cost to run a 115kV line. In round numbers it's
15 half a million dollars a mile. In other words, why didn't the
16 Applicant say to the landowner, I will pay you a million
17 dollars' worth of stumpage, which we know is not attributable
18 in today's climate, for 50 years' worth of growth on these
19 woods? I've worked in the woods forever here, and that just
20 jumped right out at me. Why didn't they do that?

21 Then I looked -- we also tried to avoid
22 fragmentation, and, you know, I've worked as an expert for
23 intervenors, the last job I did, on the proposed stud mill
24 route for Bangor Hydro between Orrington and Baileyville.

25 I looked at the Metco route up to Orient. There have

1 been a number of instances where Applicants have attempted to
2 say that it's less impact to build a new route than to use an
3 existing route.

4 Then I looked at the Redington access road, which we
5 counted up all these things and made ten different elements,
6 but you have the access road that comes up through there, and
7 then you have the transmission line that runs downhill.
8 They're two parallel elements that are about 500 to 1,000 feet
9 apart for miles. Why don't they run the power line down the
10 road? It doesn't make sense. I mean, it's just a single pole,
11 34.5kV line.

12 I guess I'll leave it at that. Let's skip along. I
13 haven't been paying any attention to this up here. I would
14 like to do that.

15 This is -- this is -- this is a key element -- go
16 back -- I'm not criticizing the Applicant's work. I'm
17 simply -- we went out and we found what we found. And there
18 may be some dispute on whether something is a wetland or
19 whether a groundwater discharge area is a seep that doesn't
20 have hydric soils or whatever, but after -- I talked to Dave
21 Rocque a little bit about this, and I think that we
22 fundamentally agree that up on top of the mountains, hydric
23 soils will develop, down at the bottoms of the mountains there
24 will be hydric, and on the steep slopes, there may be a
25 question if these wetland seeps are -- they definitely wetland

1 vegetation.

2 Once you disturb these areas -- and I've seen it
3 hundreds of times up on this mountain -- once you disturb them,
4 the water comes gushing out forever, as far as I can tell. And
5 it just accelerates flow down the mountains.

6 We may have -- we may be wrong on five, we may be
7 wrong on 10, but I'm not wrong on 100 different additional
8 things, which I spotted and Tim spotted and documented on the
9 power line.

10 Let's go to that next picture.

11 This is up on -- there's 1.2 miles of the
12 Black Nubble transmission line that are on slopes that are on a
13 45-degree angle or steeper.

14 There were parts when Steve Pelletier and were
15 walking down when I slid down the mountain on my butt because
16 it was so steep.

17 I had an epiphany when I saw this, and then I spotted
18 another one. This is -- it was a big blowdown, and it has thin
19 duff on top of these boulders are cobbled, and I kind of looked
20 down in the hole to see how deep it was.

21 There's 3 to 4 feet before -- and I never did see
22 bedrock or till, I don't know what's under there -- but the
23 point being is, what kind of machine is going to go up that
24 slope this steep and build a 1.2 mile power line parallel to
25 the side of that mountain.

1 I wouldn't want to be in it. You know, I think that
2 needs to be figured out. It just appears to be impossible to
3 do.

4 You would have to cut a road in order to go in --
5 from what I'm told, you would have to bore these holes into the
6 substrait so they'll stay together.

7 So you've got this side angle, 3 or 4 feet of this,
8 and someone's going to go out there and try to build it. I
9 don't know how they're going to do it.

10 I wish I had seen this earlier because I suspect -- I
11 don't know -- that these Mahoosic soils, I'm told, I'm not a
12 soil guy -- but I saw a lot of very similar stuff once I got up
13 to the top of the Redington access road, the Redington
14 transmission line.

15 I don't know that that's what's under there, but the
16 ground looked the same, the trees looked the same, the slope
17 was the same.

18 I think we need to know that. I mean, in a way what
19 I'm saying is, when I read the application, it looked like a
20 cookbook. It didn't look like -- there was nothing in there
21 that made me feel that could determine what I was looking at,
22 and I don't think you have enough information, in my
23 professional opinion, to make a judgment.

24 This is the Redington access road. It's just a quick
25 thing Tim tossed together to show -- we got these new GPS

1 units, which I found very useful because they have a barometric
2 altimeter in them, and they take readings every 10 seconds,
3 every 5 seconds, and they're very precise. They may not be
4 accurate for elevation because during the day it goes from nice
5 and clear to rainy, so I couldn't say what elevation I was at,
6 but they're very quick readings they take. They're very
7 precise. I feel pretty comfortable about the slopes.

8 These are all slopes over the 14-percent elevation,
9 and I'll tell you that in the 31 years I've been working,
10 walking in the woods, that this was the worst going once we got
11 above -- I believe that right here is where I marked the top of
12 the last clearcut and then we got into the real stuff, that
13 same kind of mahoosic soil and I'm guessing.

14 It was the worst thing I'd ever walked in in my life.
15 I believe I was the first person who ever walked the mapped
16 centerlines -- all of the mapped centerlines of these roads. I
17 just don't think that anybody else had ever been there because
18 I was doing this (indicates).

19 And we knew exactly where we were all the time
20 because anytime we had a reference, we fell on to it.

21 I just want to go to the last slide. You saw all the
22 pictures. We may have some disagreement. I'm not worried
23 about it.

24 That's the beautiful wetland. That's the one that
25 was not found on Black Nubble. It looks just like -- there's

1 two on Redington. It has 500-foot buffers.

2 Up to the last slide. I just need the last slide.

3 You heard testimony yesterday that we were out there
4 in a rainy time of year, the implication being that there would
5 be all kinds of water, we would see flooded out areas.

6 There's nothing like data. I went to USGS, and as
7 you remember from Redington -- Steve, I know you were there --
8 no Redington, but Cherryfield Foods -- that ADF is the median
9 flows, it's the basis, it's the standard flow. That's what
10 that red line is.

11 And what you'll notice is that right there is the day
12 that we finished, the 11th. This was the year when everybody
13 was worried that the vernal pools were going to dry up.

14 I was not out there in a flood. The flood came
15 after. I guess that's it.

16 MS. JACOBSON: Since we're having a little technical
17 difficulty, I guess, with the PowerPoint, what we would propose
18 is to take either like a 2-minute timeout so that Dr. Calhoun
19 can fix the PowerPoint, or we can go to Bert Lambert.

20 DR. CALHOUN: Chairman, Commissioners, I'm pleased to
21 be able to speak to you today. I know you're hungry and
22 exhausted, so I appreciate your attention here.

23 My name is Aram Calhoun, and I'm an associate
24 professor of ecology at the University of Maine, and I'm also a
25 biologist for Maine Audubon Society.

1 I have to admit that being in this position opposing
2 wind power is kind of like scientists opposing teaching
3 evolution in public schools. It's a very strange position to
4 be in, so my job here today is to explain to you what a wind
5 energy 20-year conservation biologist is doing opposing a wind
6 power project.

7 What I would like to do is bring the focus back down
8 to what we should be considering here, which isn't whether wind
9 power is good or bad, or whether or not global warming is in
10 fact happening. What we need to focus on is the specific site.
11 It's location, location, location. That's what we need to
12 focus on.

13 I going to be focusing on seeps, the hydrologic
14 resource that I believe is very vulnerable on these mountains.

15 I just wanted to give you an idea. People have been
16 talking about seeps in different ways here. There's a couple
17 of ways that seeps occur. One is it's interception -- when
18 water filtrates into soil and intercepting a seemingly
19 impermeable area and then it pops out when that impermeable
20 area comes close to the surface.

21 The second type of seep is at brakes and slopes, so
22 you have a seepage going down a mountain, you have a change in
23 slope that might be temporary and continues down the mountain.
24 At that change in slope you can actually have forested wetlands
25 and peak-filled basins in the wetlands that do exhibit

1 anaerobic -- or lack of oxygen conditions.

2 When you get these types of seeps at the top there,
3 you often don't have evidence of hydric soils because the water
4 is aerated.

5 But I have been working on a seep project for four
6 years, and we were looking at the hydrology, the chemical
7 functions, and ecological functions of seeps in watersheds.

8 The mountains that I'm working on are in eastern
9 Maine. In fact, they are a -- the seeps there are a lot less
10 extensive and complicated than what I witnessed on Redington.

11 So I wanted to just give you a couple illustrative
12 data slides from that project, and although it isn't from
13 Redington, the concepts apply across seep landscapes in Japan,
14 in New Zealand, and lots of other places that I've seen seeps.
15 It's remarkable how it behaves globally.

16 So basically what I want to draw your attention to is
17 the areas that feed these seeps are called variable source
18 areas, and they're variable because how much area is feeding
19 the seeps varies with time, precipitation events, types of
20 soil.

21 The interesting thing is that these variable source
22 areas are generally only .5 to 2 percent of an area of a
23 watershed, yet they contribute to 50 to 80 percent of the base
24 stream flow to streams below and wetlands below.

25 So it is a very small part of the watershed that

1 contributes greatly to downstream sources.

2 In Steve Pelletier's testimony he states that the
3 location of a project along the ridgeline remove much of it
4 from potential fish habitat concerns leaving the transmission
5 lines and so forth as the only project potential to affect fish
6 habitat.

7 I would like to argue that given what we know about
8 seeps in many parts of the world, contributing 50 to 80 percent
9 of stream flow from variable source areas, which may be in a
10 ridgeline, to me is a considerable impact.

11 The other issue is that these seep areas, these
12 variable source areas, do affect stream chemistry and wetland
13 chemistry downstream.

14 I don't want you to may attention too much except
15 that this is an area above the seep. This is an area in the
16 seep. The key here is that pH and chemical parameters and
17 temperature change after -- before and after a seep contributes
18 to a stream. That also holds across the particulars of how
19 much pH level changes are going to vary.

20 Then I want to address the issue of time of
21 construction. You've already heard from Dave Rocque that he
22 has problems with winter construction, as do I, because of soil
23 structure issues and other issues. You can't really see seeps
24 well in the winter, plus variable source areas are not going to
25 be seen easily in the winter.

1 I have a problem with spring and fall construction.
2 This map, this graph you can see flows and our seep are high in
3 the spring and in the fall, and they settle down in the summer
4 months. The issue is that your high water flow, this is not a
5 time to construct a road the size of Route 16 in a high
6 elevation mountain up to 4,000 feet. You can't do it. That
7 leaves the summer. That's this area right here.

8 I have a problem with summer construction in this
9 area because it's during the summer that a lot of the wetlands
10 and species are active on the soil surface. Using the
11 wetlands, they're associated with seeps. Lots of amphibians
12 use seeps during the summer months. The sallow wetland, that
13 is the site of the bog lemming, has a complicated hydrology.
14 The maps show part of the area where the road goes up to the
15 mountain. Actually, we have coming off of that road, and that
16 potentially could be disrupted.

17 So in conclusion, my feeling is that there's
18 inadequate documentation of the extent of seepage and source
19 areas in this very complex hydrological environment.

20 Here's the key for me. Even if all of the seeps were
21 mapped -- and I hear that this may be happening, that people
22 will got out and try to get a better handle on these
23 hydrologically sensitive areas -- the key isn't just mapping
24 them. You need to know what the hydrologic flow patterns are
25 in order to predict what's going happen when you construct a

1 major road, which will intercept subsurface flows.

2 Those subsurface flows from these seepage areas are
3 the key feeder of storm water runoff. If you don't understand
4 those patterns, you can't make predictions about what you need
5 to mitigate those problems.

6 So types of studies that we do to see flow patterns,
7 we use physometras, we can isotope work, we've looked at
8 groundwater chemistry and compare it to surface water chemistry
9 and see where those come from, where the source areas are.

10 It's an extremely hydrologically complex mountain.
11 I've walked a lot of mountains looking for study sites. I've
12 never seen such a complex mountain in terms of hydrologic
13 flows.

14 Disruption of hydrologic function, deep seeps from
15 water quality, and quality downstream is a high-risk potential
16 here.

17 Dave Rocque submitted an e-mail to Marcia Spencer,
18 which you all have, he noted -- and at this time I think he
19 assumed that construction would be in the summer -- he noted
20 that it would be almost impossible to construct the type of
21 stable roads needed without significant alterations of the
22 mountains and in particular to the hydrology that supports
23 streams, wetlands, and groundwater systems below.

24 I completely agree with this.

25 And one last thing. I just can't help but address

1 this because it is related to this project.

2 You're talking about being concerned with global
3 warming and how the wind farm will help mitigate the effects of
4 global warming.

5 One of the effects of global warming is loss of
6 species, loss of habitat. Conservation biologists will tell
7 you now that the latest paradigm is not conserving a community
8 of species or particular species necessarily as the only tool,
9 that it's important to conserve elevation, gradients, and
10 physical areas on the landscape so that if we do have global
11 warming and there are animals that live here, they have a
12 future, they can go up one level. These guys can go up here.

13 Talking about removing this. We need to think about
14 biophysical regions. We need to think about topography in our
15 conservation efforts, and I would argue that this is a
16 hydrologically sensitive area and it has some unique features.
17 Just by way of that, if you want to do something for global
18 climate change, you need to conserve landscapes.

19 Finally, I could not leave this. I'm tired of having
20 this thrown in my face. It is indeed the truth that the
21 Redington project is not an appropriate location for a wind
22 farm. It will cause undue adverse affect on hydrologic
23 resources, including seeps and wetlands supporting sensitive
24 species.

25 Thank you.

1 THE CHAIR: I think, Mr. Plouffe, with your
2 concurrence, it's about 25 after 12, and I've been informed
3 that we have to be out of our dining room by 1 o'clock and we
4 have to be there by 12:30 if we're going to get any lunch at
5 all.

6 I apologize, but I guess I'd like to take a break
7 from your panel and let everybody take a breather for a half an
8 hour.

9 (There was a break in the hearing at 12:21 p.m. and
10 the hearing resumed at 1:02 p.m.)

11 THE CHAIR: Go ahead.

12 MR. LAMBERT: My name is Bertram Lambert. I'm a
13 licensed professional engineer. My background stems from about
14 35 years of experience at MDOT. I was a highway construction
15 engineer and a resident engineer on 37 highway contracted
16 projects, primary and secondary roads. Most of my career was
17 in the western Maine mountains.

18 I'm currently a consulting civil engineer. I'm also
19 a licensed Maine forester.

20 The Applicant's proposed 12.5-mile road project is
21 estimated to cost about \$15 million. This road is built to
22 standards to allow for the transportation of very heavy,
23 oversized trucks that have to be specially permitted because
24 they are way above legal limits.

25 This qualifies as a major road project in Maine, both

1 from a cost point of view and the load bearing point of view.

2 The visual impact of this road, especially in high
3 mountain areas, along with permanently maintaining clear power
4 lines will be visible at viewpoints -- you've already heard
5 about -- for miles around and tens of thousands of acres
6 around.

7 Four hundred and five feet tall, the 30 windmill
8 structures, better than twice as tall as any structure in the
9 state of Maine, it will more than double the skyline in the
10 city of Portland, Maine.

11 On top of the mountain extensive clearing and
12 blasting for 30 towers, two bases, 30 grid pads, intended
13 32-foot wide roads between towers would entail, according to my
14 calculations, about 56,000 cubic yards of rock excavation to be
15 disposed of by 4,655 12-cubic-yard truckloads.

16 At that stage of the project on the tops of the
17 mountain, the access roads already have been built. The
18 estimated 56,000 yards of rock is most likely excess, unneeded
19 rock to construct the roads.

20 It will be deposited in abutting areas creating waste
21 dumps. This will greatly contribute to the areas of --
22 destruction in the subalpine forest, a fragile 2 to 3 inches of
23 soil. It will also greatly increase visual impact at these
24 higher elevations where only certain plants grow.

25 Because the site is located north of the 45th

1 parallel and up to 4,000 feet in elevation, revegetation will
2 take generations.

3 The blasting will take about 26 tons of dynamite.
4 This is equivalent to 104 500-pound bombs blasting the rock on
5 the mountaintops alone, not to mention access roads.

6 In my opinion they are literally proposing to blast
7 the tops of these mountains off.

8 On any road project erosion is going to occur. The
9 way to minimize this is to have a buffer prior to a detailed
10 set of plans. Right now those plans do not exist.

11 There is a vague promise by the Applicant. Some
12 on-ground surveying will be provided late summer and fall.

13 Careful reading of the Applicant's merits on the
14 roads doesn't call for a future detailed set of plans either.

15 The proposed building of winter roads -- building the
16 road in the wintertime doesn't have many advantages. It
17 doesn't have any except that there are no lights. You have
18 nice cool weather.

19 Winter roads cost two to three times more to build.
20 It shouldn't be built in the cold weather time. It's beyond
21 the 45th parallel and high elevations. There are no real
22 advantages of building roads in the middle of the wintertime
23 and I can get more specific but the time --

24 I have actually had a project in the wintertime north
25 of Mooselookmeguntic Lake on Route 16, which lasted 3.5 years.

1 We contracted work in the wintertime and he went bankrupt.

2 At those elevations only certain plants grow.

3 Their approach to erosion control is to have it a
4 toolbox of erosion control methods to be used for damage
5 control.

6 The toolbox will be used as a built road when
7 observed erosion is occurring. That approach saves the expense
8 of preliminary detailed plans based on detailed on-ground
9 surveys. But I guarantee erosion will occur and the toolbox
10 will be used for damage control.

11 Location and the fragile nature of the site, as well
12 as the steepness of the topography exacerbate the erosion
13 problem. This is an area with some of the highest rainfall in
14 the state of Maine -- 58 to 66 inches per year. Combine all
15 those things, this makes the project of very high potential for
16 very serious erosion.

17 Opponents and I are not against windmills, per se, as
18 the proponents imply. That isn't the issue. We are strongly
19 opposed to placing them in this fragile area, protected by law,
20 inappropriate place.

21 Destroying the environment in order to save the
22 environment doesn't make much sense to me.

23 Thank you very much.

24 THE CHAIR: Thank you. Is this all for this panel?

25 MR. PLOUFFE: This is all for this panel.

1 THE CHAIR: Do you like to ask this panel any
2 questions, or would you like to hear them all and ask questions
3 and get all of them?

4 I guess that's fine. Let's hear from -- I think you
5 have a couple more people; right?

6 MR. PLOUFFE: Yes.

7 THE CHAIR: Okay, why don't we hear from them, and
8 then we'll take whatever questions.

9 You're all going to have to come back up again for
10 cross-examination.

11 MR. ALBRIGHT: Thank you, Chairman Harvey and
12 Commissioners and staff. I am John Albright.

13 I'm here on behalf of Maine Audubon Society,
14 specifically to address the project impacts in the northern bog
15 land.

16 I was director of the Maine National Heritage program
17 from 1983 until 1993. In 1985 an associate and I trapped two
18 bog lemmings on the Table Land of Katahdin.

19 The other topic in my prefiled testimony, and then
20 I'm going to summarize some key elements in that testimony, but
21 I want to quote this primarily on the matter of bog lemming
22 habitat.

23 The northern bog lemming is known in Maine only by
24 virtue of six individuals tracked at five different locations.
25 It is unequivocally one of Maine's rarest animals. It is

1 listed as threatened pursuant to 12 MRSA Part 13(3).

2 Bog lemmings' threatened status is directly relevant
3 to this request for rezoning because the Maine Endangered
4 Species Act requires that LURC shall not permit any activity
5 that would significantly alter the habitat in the listed
6 threatened species.

7 Further, the Act prohibits killing or taking any
8 listed species, and as proposed, this project almost certainly
9 will violate both of these provisions of the Act.

10 LURC's own criteria for approval of rezoning requests
11 states that a project must have no undue adverse impact on
12 natural resources in the area likely to be affected by the
13 proposal.

14 The final paragraph in that section concludes that
15 the Applicant must, "Demonstrate by substantial evidence" that
16 all criteria for approval is satisfied.

17 But the fundamental assumptions and all the
18 conclusions in project application pertaining to the bog
19 lemming all derive from just one single data point. One
20 lemming from one trap.

21 A single data point by any definition is not
22 substantial evidence. It follows that the Applicant cannot
23 conclude no undue impact because they do not in fact know the
24 full extent of the habitat that the lemming uses.

25 Steve Pelletier and Kim Morris agreed yesterday that

1 they cannot map the home range of the northern bog lemming from
2 a single data point, but it is the home range that would show
3 the Applicant and the IF & W and the Commissioners all of the
4 areas on the summit used by northern bog lemmings.

5 Kim Morris of MD IF & W, however, said that one can,
6 "Take an educated assumption of where the lemming is likely to
7 be found based on habitat type."

8 Again, an educated assumption does not constitute
9 substantial evidence.

10 Further, Kim's statement that the only place the bog
11 lemmings have been found is stagnant dominated wetlands is not
12 correct. Evidence indicates northern bog lemmings outside of
13 stagnant dominated wetlands and argue that the lemming is a
14 wetland-dependent species that uses terrestrial habitat
15 regularly during its annual cycle, just like vernal pool
16 species that require vernal pools for breeding but spend much
17 of the year as habitat.

18 The lower elevation trap site for northern bog
19 lemming in Baxter State Park is described in a paper I
20 co-authored, Albright 1987, which is cited in Section 7 of the
21 application.

22 That site was a spruce budworm killed spruce fir
23 stand. The understory had regenerating spruce and fir,
24 mountain ash, and paper birch. The shrubbing ground there was,
25 "raspberries, ferns, and grass, and scattered in places. All

1 the trees were dead. Most of the ground was dry in July and
2 August."

3 This clearly is not a stagnant dominated wetland, yet
4 the bog lemming was using it.

5 A very good way to identify habitat needs of an
6 animal is to study food patterns. The prefilled testimony of
7 Steve Pelletier states that wonderful foods of northern bog
8 lemmings is raspberry seeds, and he cites MD IF & W's
9 endangered species program is the source for that information.

10 Raspberry is not a wetland species. So food habitat
11 data would tell us that the northern bog lemming in fact move
12 into upland areas to find food. An upland area is an important
13 part of bog lemming habitat.

14 The Montana Natural Heritage Program has conducted a
15 series of intensive surveys for the bog lemming beginning in
16 the late 1980s.

17 In a 1993 report they state, "Lemmings have certainly
18 been found in habitat other than bogs and in Montana and other
19 parts of the range."

20 This is a 1993 report by Richel that I cite in my
21 prefilled testimony.

22 So it may very well be a core component of lemming
23 habitat, it certainly is not the exclusive component, and bog
24 lemmings are found outside the stagnant dominated wetlands.

25 So no substantial evidence is presented by the

1 Applicant or MD IF & W supporting their assumptions that the
2 edge of the stagnant wetland regs beyond which they've never
3 mentioned.

4 Therefore, all of the activities -- road building,
5 blasting, construction activities -- on this summit will occur
6 within lemming habitat. It would destroy lemming habitat.
7 That would constitute a violation of the Endangered Species
8 Act, and it would not satisfy the criteria for rezoning under
9 LURC guidelines.

10 My time is up, so I'll stop there. Perhaps we could
11 clarify some things later with questions.

12 MS. JONES: Good afternoon Commissioner Harvey and
13 other members of the Commission. I'm very pleased to be here
14 today, and I appreciate your attention.

15 My name is Jody Jones. I'm a wildlife ecologist at
16 Maine Audubon. I've been there for 19 years. I was directly
17 involved in the successful settlement of the Kenetech wind farm
18 project in '94, and I initiated a stakeholder process to help
19 set up statewide criteria for siting wind power to avoid
20 wildlife. That was one year ago today. That project is not
21 yet complete.

22 The project will cause undue adverse impact of
23 Bicknell Thrush. Thrush is a migratory bird. Primarily what
24 I'm going to talk about today is the loss of breeding habits,
25 habitats, and also the collision obstacles for a large number

1 of nocturnal animals that are in the area.

2 So why is Bicknell Thrush important? It is the
3 northeast's only endemic bird and occurs nowhere else in the
4 world except for in the northeast region. It's the rarest of
5 all the tropical song birds and it is a severely limited
6 habitat. And as lemmings, it's mostly found above 3,000 feet.
7 Redington is at the geographical center of this bird's breeding
8 habitat, and it occurs here in very high densities.

9 This project will result in the permanent removal of
10 300 acres of prime habitat due to the roads, the turbines, the
11 turbine blades, and the associated clearing.

12 And I would also like to mention that the Vermont ski
13 area study that was cited by the Applicant is not applicable.
14 It's not relevant.

15 The study itself states that -- and I'm quoting
16 here -- "We emphasize that our scientific data do not enable us
17 to predict the impacts that creation of ski trails may have on
18 Bicknell Thrush habitat. The data presented in this report
19 pertains only to existing ski areas that have been in operation
20 for 40 or more years and cannot be directly applied to other
21 areas."

22 Also, the slide that was presented by Mr. Pelletier
23 actually depicts multiple locations of a handful of
24 individuals, so visually it appears that the area is much more
25 inhabited than it actually is.

1 And finally, there were no pre- or post-construction
2 studies done at the ski area. It's likely that the clearing
3 that was associated with that area removed Bicknell Thrush
4 habitat, much like it will from the turbine construction.

5 I also would like to describe briefly the collision
6 risk to Bicknell Thrush. They perform an aerial display much
7 like woodcock. They go way up above the treetops, 25 to 75
8 feet, and perform a display in a large circle or oval of about
9 hundred meters in five. And then they plummet back down to the
10 trees as part of their breeding display.

11 This would put them in direct conflict with the
12 rotor-swept area of the turbines that would be adjacent to
13 their breeding habitat.

14 Many migrating song birds and bats are already in
15 decline. When I was before you before, as part of a panel
16 discussion I presented a lot of information about those
17 declines, and there are certain sites -- certainly not all
18 sites -- but there are certain sites that have been documented
19 for both birds and for bats, and the schematic here indicates
20 the relative size of the proposed turbines -- this is actually
21 a bit smaller than the actual Vestas, V-90s -- are about 20
22 meters larger, and the rotor-swept area is equivalent to
23 greater than a Boeing 747 spinning around in the air.

24 Also the application has documented the highest
25 passage rate of any site proposed for wind power development in

1 the eastern United States.

2 This table was compiled directly from prefiled
3 testimony of Mr. Pelletier. I've taken the fall concentrates
4 and put them in rank order from lowest to highest, particular
5 fall studies.

6 You can't see the colors there very easily,
7 unfortunately, but from 200 -- you can see in the middle
8 there's a 200 -- and below. Those are what I call sort of the
9 lowest concentrates of the studies so far conducted, and then
10 yellow, which goes from 238 to 638 is what seems to be at
11 Redington is much higher at 1,472.

12 The Applicant also failed to measure the impact over
13 the entire project area. This is Exhibit 7 in my prefiled
14 testimony, and it shows the black hash mark, which estimated
15 the passage -- not passage rate, but the total passage over the
16 project area and the green is the entire.

17 Next slide.

18 By our calculations, it was eventually 30 percent,
19 not 5 percent of this project area, and that's the actual
20 number of migrating animals, 10,000 versus 1,700.

21 Next slide.

22 So in conclusion, the project will permanently
23 destroy and degrade 300 acres of prime Bicknell habitat
24 coincide with the rotor-swept area. The risk to migratory
25 birds and animals is higher recorded in the east in terms of

1 potential risks.

2 So proper siting of wind power facilities we hope
3 will avoid this type of action.

4 Thank you very much for your time.

5 THE CHAIR: Do we have anybody else?

6 One more panelist. Who's going to go first?

7 MR. FIELD: Commissioner Harvey and Commissioners,
8 thanks for the time.

9 My name is Dave Field. I'm the overseer of land for
10 the Maine Appalachian Trail Club, and I'm a resident of
11 Hampden, Maine. I own property in Franklin County, in Madrid,
12 and Carrabassett Valley.

13 I first climbed Saddleback Mountain, which is the
14 location in my judgment of the primary visual impact of the
15 proposed project, in 1951. I've maintained much of the
16 Appalachian Trail across Saddleback for 50 years and have a
17 long experience with the views from the alpine zones and other
18 areas along the Saddleback ridge. I first hiked those,
19 Spaulding and Sugarloaf, in 1956.

20 I mentioned this. I just saved the cross-examiner's
21 time. I've been on every inch of the trail in question here.

22 I think there's no one in the room who has spent more
23 time on Saddleback of anyone who's testified this week. So
24 those are my credentials.

25 From personal experience, I tell you that there was

1 no simulated or photographic representation of the views the
2 proposed development site from along the AT that comes close to
3 the views experienced from the trail itself.

4 I realize that most of you have not been up there on
5 the important points, but the Forest Service simulations come
6 closer than anything I've seen before to what it really looks
7 like, but there is no picture that really does it justice.

8 V-8, from the perspective of the Maine Appalachian
9 Trail Club, who I represent today, and the larger trail
10 community is aesthetics, is beauty. That's the core of the
11 trail experience.

12 The proposed development would have the greatest
13 negative visual impact on users of the Appalachian Trail in
14 Maine and the history of the trail.

15 Nothing like the proposed extensive moving -- that's
16 extremely important -- moving skyline disturbance has ever
17 before been proposed. The most extensive visual impact to the
18 proposed development would be that experienced in the
19 Saddleback Mountain range. From that perspective, the proposed
20 development on Black Nubble would have by far the greatest
21 impact.

22 Aesthetics isn't just a matter of interest to hikers.
23 It's the core of much of the attractiveness of Franklin County,
24 the tourists, as well as full-time residents. People simply
25 don't come here to enjoy the black flies, it is a beautiful

1 place.

2 Wind power advocates express an almost religious zeal
3 that implies that hardly any trade-off would be too great to
4 preclude wind power development. I understand the College of
5 the Atlantic in Bar Harbor has contracted for electricity from
6 this project. It would save a lot of transmission loss if the
7 windmills could be located on Cadillac Mountain or in Frenchman
8 Bay. I don't hear many calls for such development.

9 Both the Maine Appalachian Trail Club and others have
10 urged a comprehensive statewide survey of appropriate wind
11 power location potential, and the Maine Appalachian Trail Club
12 has never opposed wind power development in principle.

13 I have a letter here I wrote to the Land Use
14 Regulation Commission in 1993 on behalf of the Maine
15 Appalachian Trail Club indicating we would not oppose a
16 development proposed on Sugarloaf Mountain itself.

17 We concluded that development would have a negative
18 impact on the AT but that existing developments on Sugarloaf
19 would help to reduce the marginal impact.

20 We also did not oppose the proposed Boundary
21 Mountains wind development project. Neither of these was built
22 but we did not oppose them.

23 The Club's prefiled testimony reviews the
24 extraordinary values of Maine's high mountain terrain. It
25 urges you to consider the appropriateness of this proposal and

1 having made that consideration to reject the permit
2 application.

3 Just a couple of other comments. None of the
4 Appalachian Trail on Saddleback, not one inch, was moved in
5 consideration for the ski area.

6 The Appalachian Trail was bulldozed off Sugarloaf.
7 Those of you familiar with the Tote Road years ago when I was
8 young and still did Alpine skiing, you would see white blazes
9 on the rocks during spring skiing. Interesting, though, the
10 trail was moved off Sugarloaf onto Crocker not because of that
11 but because of proposed development of a ski area on Bigelow.
12 So whoops, got that wrong. It never happened.

13 Private property, come on. The developer bought this
14 property knowing full well it was restricted by LURC regulation
15 and is now seeking a zoning change.

16 This is not something imposed on a private property
17 owner after the fact. The developer knew that Appalachian
18 Trail was there, knew there were concerns, and again, is
19 looking for a zoning change, a special privilege.

20 Except for the summit building and the tower up
21 there, Sugarloaf is invisible from all the Appalachian Trail
22 that we're talking about in this to date. On Saddleback a
23 northbound hiker sees the ski area up to 2/10 of one mile. A
24 southbound hiker gets about a quarter mile, that's it.

25 I don't know how clearcuts got brought into this

1 discussion.

2 We're talking about vegetation changes. My
3 grandmother grew up in Madrid, born there in 1890. That whole
4 area was open farmland. That was the view south of Saddleback,
5 it was open farm fields. That's all grown up.

6 Over the 50 years I've worked on Saddleback, I have
7 seen timber harvest, logging roads all over the place,
8 extensive clearcuts, especially after the budworm epidemic.
9 It's a vegetation change that changes the color and texture of
10 the landscape for a couple of years and then it's gone.

11 We're not talking about decades' long introduction of
12 man-made structures into the landscape, which is what this
13 project proposes.

14 Those are my comments.

15 THE CHAIR: Thank you. Who's next? Go right ahead.

16 MR. PUBLICOVER: Chairman Harvey, members of the
17 Commission, my name is David Publicover. I'm a senior staff
18 scientist with the Appalachian Mountain Club, where I've been
19 employed since 1992. I hold a doctorate in forest ecology from
20 Yale University. You may remember me from your panel
21 discussion on wind power in December.

22 The AMC supports the development of wind power as an
23 important source of renewable energy. We are not opposed to
24 wind power development in GMA zones.

25 However, we do not believe that all sites are

1 suitable for wind power. Of the dozen or so projects proposed
2 for ridgelines in New England, this is the only one we oppose.

3 The proposed wind farm is incompatible with LURC's
4 Comprehensive Land Use Plan. It is inconsistent with all three
5 of the goals. It does not ensure the separation of uses; it
6 does not conserve, protect, and enhance the natural resources
7 of the jurisdiction; and it does not maintain the natural
8 characters of certain areas within the jurisdiction having
9 significant natural values and primitive recreational
10 opportunities. Rather, it will severely degrade these values.

11 The application includes goals and policies from the
12 plan that support the project; however, in order to be
13 consistent with the plan, the project also avoids serious
14 conflicts with other goals and policies. This is not the case,
15 to cite just two examples.

16 The second policy for mountain resources is to
17 identify and protect high mountain resources with particularly
18 high natural resources values, which are not appropriate for
19 most development. We believe that the project site is such an
20 area.

21 And the second policy for energy resources is to
22 prohibit energy developments, related land uses in areas
23 identified as environmentally sensitive where there are
24 overriding, conflicting, and other public values requiring
25 protection.

1 We've heard a lot about the western high mountain
2 region. It is, along with Baxter State Park, one of the
3 state's preeminent mountain landscapes. It has the greatest
4 concentration of 4,000-foot peaks in the state, including
5 Redington, the largest concentration of area above 2,700 feet
6 in the state. Outside of the Baxter State Park region, it has
7 the greatest concentration of large, unfragmented roadless
8 habitat areas. These areas have been recognized as an
9 important habitat by both the Maine Comprehensive Wildlife
10 Strategy beginning with the habitat program.

11 You've heard about the Appalachian Trail, and this is
12 an area of high conservation interests, State and Federal
13 agencies and private organizations. And I note the State's
14 efforts to protect Mt. Abraham, and the US Fish and Wildlife
15 Services interests in adding the US Navy Redington base to the
16 National Park System.

17 This is just a map of the project. These darker
18 colors are areas above 2,700 feet. I would ask you to note the
19 distribution of roads in the region, most of which are located
20 at lower elevations. With the exception of the Caribou Pond
21 Valley and the two ski areas, the presence of roads above 2,700
22 feet is quite minimal.

23 Redington Mountain lies in the heart of this region
24 and is an integral part of what makes the landscape so special.

25 Redington and Crocker combined comprise one of the

1 largest contiguous areas above 3,500 feet in the state, behind
2 only Mt. Katahdin. It lies within an unrouted corridor
3 extending for 17 miles from Route 4 to Route 17.

4 It encompasses only five exemplary examples of this
5 state's rare habitat and subalpine forest as documented by the
6 Maine Natural Resource program. It provides high quality
7 habitat for two of the state's rarest species and is a
8 prominent feature of the Appalachian Trail.

9 This shows part of this landscape. This is Crocker
10 Mountain from the summit of -- the north summit of Redington.
11 This is the south summit of Redington from the north summit
12 showing the unfragmented nature of landscape as it currently
13 exists.

14 This is our satellite imaginary, year 2000 satellite
15 image of the region, which shows the large roadless areas as
16 we've mapped them, and the extensive roads and timber harvest
17 activities occurring in lower elevations.

18 Now, Mr. Pelletier noted yesterday that Redington,
19 because of recent clearcut between Redington, Crocker, that
20 Redington has been effectively pinched off from the roadless
21 area as we've mapped it.

22 That's true. But a small clearcut on the slope of
23 Crocker Mountain does not in any material way change the
24 unfragmented character or ecological value of Redington, even
25 if I could no longer draw a line around it, according to the

1 criteria we use to delineate roadless areas.

2 The Applicant has portrayed this as a landscape of no
3 particular significance already impacted by extensive human
4 activity. I believe this is a serious mischaracterization.

5 The Applicant consistently dilutes the project
6 impacts, combining the unfragmented higher elevations with the
7 more extensive fragmentation at lower elevations.

8 Even within the large contiguous area above 2,700
9 feet for which Mr. Pelletier presents statistics in his
10 prefiled testimony, three-quarters of the harvested area and
11 three-quarters of the existing road mileage lies below 3,000
12 feet.

13 The impacts of this project will occur on Redington
14 Mountain almost exclusively below 3,500 feet. The only impacts
15 at that elevation in the area are from the Sugarloaf ski area.

16 The impacts of this project will be concentrated in
17 the wildest, least fragmented, most sensitive part of this
18 landscape.

19 The project would clear miles of the corridor, with
20 32-foot road surface blasted in slopes in excess of 30 percent.
21 I note that this is wider than the paved surface of Route 16 at
22 the entrance to the Sugarloaf ski area, and I want you to
23 picture building Route 16 on steep slopes on the summit of a
24 4,000-foot mountain through the middle of a rare and pristine
25 natural community.

1 The idea that this does not constitute a severe and
2 undue impact is to me incredible.

3 The project is not located in the best available
4 site. We have conducted analysis of wind power potential
5 across the region, the type of analysis that we have been
6 encouraged in the state to do since the Kenetech settlement
7 agreement.

8 My analysis identified about 480 miles of primary
9 ridgeline with Class 4 and above winds lying on private land
10 potentially available for development. There's even more if
11 you include secondary side ridges or Class 3 areas.

12 And I note that in their prefiled testimony, the
13 Conservation Law Foundation spoke of the plentiful wind
14 resource available in Maine.

15 Of this, about 320 miles is within 5 miles of a
16 highway and about 135 miles is within 10 miles of a
17 transmission line. The Applicant has noted importance of
18 proximity to transmission lines, but I would note that
19 TransCanada is proposing to construction 25 miles of
20 transmission lines for 130-megawatt project, less than half
21 again as big as this one. For this project transmission lines
22 represent only 3 percent of the capital investment.

23 Now. When we overlaid these ridgelines on data for
24 rates of natural resource values, Redington possesses a
25 combination of resource values that are shared by only a small

1 number of the state's most iconic mountains. And it's this
2 combination of features and resource values at Redington that
3 make it especially significant, not any particular value.

4 We believe there are numerous other sites with lower
5 levels of resource conflict and higher levels of existing
6 impact that are potentially available for development.

7 Now, I recognize that this is a first-cut analysis,
8 it is not the final word on where wind power should go. I
9 recognize that there are many other constraints that we have
10 not considered.

11 However, the Applicant has provided no information or
12 analysis that illustrate how the range of potential sites has
13 been narrowed down to this one mountain. Rather, we are given
14 only general statements that amount to nothing more than, trust
15 us, it has to go here.

16 If the range of possible sites in the state is so
17 small that an area as sensitive as Redington has to be
18 developed, then wind power has no future in Maine. The various
19 public policies designed to encourage its use are essentially
20 meaningless. I do not believe this is true. I believe that
21 there is potential for wind power development in Maine without
22 developing places as sensitive as Redington.

23 If LURC's Comprehensive Land Use Standards and
24 Districts and their Land Use Plan are intended to protect any
25 high mountain areas from development, they are intended to

1 protect an area that's ecologically and scenically significant
2 as Redington.

3 I believe that if this development is permitted, it
4 will set a precedent that will leave PMA designation and by
5 implication of other protection subdistricts without any real
6 meaning or value. It would mean that any mountain on private
7 land would be open for wind power development. I do not
8 believe that this is the intent of either the plan or of the
9 PMA designation.

10 I request that LURC deny this application, and I
11 thank you for the opportunity to present this testimony.

12 THE CHAIR: Thank you. How are we doing, Melissa, on
13 time?

14 MS. MACALUSO: 16 minutes.

15 MR. HORN: My name is J. T. Horn. I'm the
16 New England director for the Appalachian Trail Conservancy.
17 The Appalachian Trail Conservancy is the national group that
18 oversees the full of the Appalachian Trail.

19 My office is in Rye, New Hampshire, and I oversee 730
20 miles of the Appalachian Trail between Connecticut and
21 Katahdin. I also oversee about 100,000 acres of land that's
22 been dedicated to trail management.

23 I wanted to make a couple of points today. One is
24 that the Application Trail is of national significance. I'm
25 not going to go back through all the testimony that you've

1 already heard, but suffice it to say that there's an extremely
2 significant body of law and policy in both the Federal level
3 and State level, including your own Comprehensive Land Use Plan
4 that calls the Appalachian Trail one of the most significant
5 scenic and recreation resources in the country.

6 One of the things about the Appalachian Trail is that
7 it goes through a variety of environments, and I think one of
8 the key issues here is what is the environment in the western
9 Maine mountains.

10 We've heard different characterizations of this
11 landscape as being pristine, wild, and remote or highly
12 developed, it's near ski areas, clearcuts, roads, transmission
13 lines, et cetera.

14 I believe that the answer to that is much more on the
15 remote and primitive end of things when you look at some of the
16 resource data that Dave Publicover just presented about the
17 roadless core and some of the information that we've seen in
18 terms of the aesthetics of the Appalachian Trail in terms of
19 the visual impacts.

20 I, like Dave, have hiked the entire section of trail,
21 although I've only done it a handful of times instead of
22 probably hundreds. The overall impression that a hiker gets is
23 that this is one of the wild, remote landscapes left in the
24 eastern United States. The trail is known to have several
25 places that hikers will call jewels of the trail experience.

1 These are places like the Great Smokey Mountain National Park,
2 the Presidential Range in New Hampshire, Roan Mountain in the
3 North Carolina/Tennessee area, Mt. Rogers in southwest
4 Virginia, the hundred miles in Maine, the western mountains of
5 Maine are in the same kind of category. They are amongst the
6 most dramatic and significant landscapes that you will find
7 anywhere.

8 I think one of the things that bears that out is the
9 elevation of these mountains and the amount of alpine zone
10 present in this area, which is one of the reasons why the view
11 shed impacts of the trails are significant. Mountains in Maine
12 rarely get above 4,000 feet. When they do, you typically get
13 alpine conditions.

14 There are six places in the state where you get
15 alpine growth. They are Katahdin, the Mahoosic Range, Bigelow,
16 Mt. Abrams, Sugarloaf, and Saddleback. These are the places
17 that hikers typically seek out to have a remote high mountain
18 recreation experience.

19 It is worth noting that of the six areas, four are
20 right here. The Redington Wind Farm would be the view shed of
21 four of those alpine areas.

22 This is an extremely limited resource in the state of
23 Maine, the opportunity to walk above the tree line in a remote
24 setting, and the only places you can do it are in this region,
25 Baxter State Park, and Mahoosic.

1 We feel that that is indicative of the special
2 quality of this landscape.

3 One of the things that is very apparent when one
4 reads the Comprehensive Land Use Plan -- and I have to admit I
5 read just about the whole thing to get ready for this
6 hearing -- it's actually pretty good.

7 As a guy who spends his career dealing with public
8 policy issues, I want to commend the Commission for finding a
9 very compelling set of goals and resources that you have
10 decided to manage and protect as part of your jurisdiction.

11 One of the things that I wanted to point out to you
12 is that in your own plan, remote recreation is one of the most
13 significant resources in the jurisdiction. There's a very
14 compelling section on Page 114 of the plan that talks about how
15 fishing in a remote pond is categorically different than
16 fishing in a pond with a road to it.

17 I would argue the same is true for the Appalachian
18 Trail experience. The Appalachian Trail experience in Maine,
19 in these mountains and the western mountains, is much different
20 than the Appalachian Trail in Connecticut or New Jersey or any
21 of the other parts that it traverses.

22 The critical issue before you is, does a very large
23 development belong to this particular landscape. And I would
24 offer the following thought, which is that this project is
25 really an outlier compared to other wind energy projects

1 proposed in the northeastern US.

2 The other projects that typically matched in
3 development in some way, the Mars Hill project is on a ski
4 area. In my testimony you'll see a chart on the back of other
5 projects that have been proposed within 10 miles of the
6 Appalachian Trail.

7 We have not opposed any of those other projects
8 because they're mapped in infrastructure development and a
9 landscape that is highly modified by humans. This landscape is
10 different.

11 And finally, in reading the Comprehensive Land Use
12 Plan, I wanted to point out that there are very compelling
13 statements where there's a conflicting use between energy
14 production and the other values identified in the plan.

15 It's very clear that energy production takes a back
16 seat to protection zones that you have created. The reference
17 to that is on Page 40. If I can read to you very quickly.

18 [Quoted as read] The number of protection zones
19 applied resources that can be used for energy productions, such
20 as high mountain protection zones, shoreland protection zones,
21 and wetland protection zones. In all these cases, the focus of
22 these zones is the resource, not the energy that can be
23 produced from it.

24 You have a balancing act to do. I believe that your
25 own plan indicates that in that balancing act, resource

1 protection is given a higher priority than energy production.

2 Thank you.

3 THE CHAIR: Thank you. Is that all of your
4 witnesses, Mr. Plouffe?

5 MR. PLOUFFE: Yes, it is.

6 THE CHAIR: Thank you.

7 I guess the rest of the panel should come up at this
8 point, and we can start to deal with questions.

9 We'll start with the Commission member. Anybody on
10 the Commission that have particular questions for anybody on
11 the panel?

12 EXAMINATION

13 (Of Mr. Horn)

14 BY MR. WIGHT:

15 Q. I'd just like to ask J. T. I guess it's the Appalachian
16 Trail Conservancy that has the overall view of the trail; is
17 that correct?

18 A. That's correct. The two entities that have overall
19 responsibility are the National Park Service on behalf of the
20 government and the Appalachian Trail Conservancy for the
21 private sector.

22 Q. Is there still an Appalachian Trail Club or only a Maine
23 Appalachian Trail Club?

24 A. Up until 2005 my organization was called the Appalachian
25 Trail Conference, and we changed our name in July of 2005 to

1 Appalachian Trail Conservancy.

2 We had some fancy marketing consultants that
3 convinced us it was a better name.

4 Q. So that is the overall private sector, non profit
5 whatever?

6 A. We are the overarching body. There are 30 individual
7 trail clubs that maintain discrete sections.

8 Q. How does the Appalachian Mountain Club fit into all of it?

9 A. The Appalachian Mountain Club is a separate organization.
10 They actually represent four of the 30 trail maintaining
11 organizations: Their Connecticut chapter, their Berkshire
12 chapter, and their Delaware Valley chapter, and their White
13 Mountains Trails Program run out of Pinkham Notch all maintain
14 an individual section of the Appalachian Trail.

15 But the Appalachian Mountain Club does not have any
16 specific oversight responsibility for this section of trail in
17 the western mountains of Maine.

18 Q. Is there anywhere on the trail a view shed easement held
19 by any of these entities?

20 A. When the National Park Service acquired the Federal
21 corridor, which averages a thousand feet wide, many of these
22 properties are scenic easements. They were negotiated
23 parcel-by-parcel.

24 In general, those are -- even the scenic view
25 easement are limited to an average of a thousand feet. What

1 happens beyond that corridor is generally either inside of a
2 large public land unit, like the White Mountain National Forest
3 would be, in case we would work on public policies, processes
4 to influence those land use decisions, or if it's on private
5 land, we simply use whatever the local planning zoning is, such
6 as LURC or towns that use land use designations.

7 Q. Are you telling us, then, that the National Park Service
8 doesn't own the fee of the whole trail? It has easements?

9 A. That's correct.

10 MR. WIGHT: Thank you.

11 MS. SPENCER-FAMOUS: I have several questions.

12 THE CHAIR: Go ahead, Marcia.

13 MS. SPENCER-FAMOUS: I guess I'll start with Bud.

14 EXAMINATION

15 (Of Mr. Brown)

16 BY MS. SPENCER-FAMOUS:

17 Q. You and I have had a lot of conversations about all this.

18 I listened to your testimony, I read your testimony.
19 I've obviously talked to Dave Rocque. Dave has been out on the
20 site, and I've had several conversations. We've talked about a
21 lot of water being developed on the site and wetlands and seeps
22 and streams.

23 You are aware of the fact that a seep, as such, may
24 or may not be a wetland, therefore, it may be regulated as a
25 wetland or it may not.

1 Are you aware of that?

2 A. I am aware of that. Actually, Dave and I had a pretty
3 long conversation about that. I also had a conversation with
4 Jim Cassidy of DEP when I raised the same concerns there about
5 the lack of a NRPA permit.

6 And what he told me when Mr. Plouffe and I went to
7 see him after we had heard that you and Jim, Dave, had gone out
8 to the site, as well as Steve, he said that he directed the
9 Applicant to go out and identify all of the streams, wetlands,
10 drainage swales, whether or not they have free parameter
11 approach or not because functionally they're all the same.

12 As I said in my prefiled testimony, I believe that
13 they need to be considered. We may have some professional
14 disputes on whether or not the soils have hydric conditions or
15 not, but they're all functioning the same way and they all have
16 great implications to water quality in these streams.

17 That's my answer.

18 Q. And understandably so, I guess the point is just not as a
19 wetland meaning the Corps of Engineers definition, we can't
20 apply at wetland rules from that, so we have to separate the
21 two out; however, as you know, there's been extensive
22 conversation about where these seeps are.

23 A. May I add something else as well. There are also lots of
24 places that we identified, for instance, it's become known
25 universally that it's a beautiful wetland, plus that vernal

1 pool that I found up on top of Black Nubble, those are also
2 wetlands that are clearly jurisdictional, you know, that were
3 not reported.

4 EXAMINATION

5 (Of Mr. Brown)

6 BY MS. SPENCER-FAMOUS:

7 Q. Bud, are you aware of the fact that we're at the
8 preliminary stage and the criteria of what was supposed to be
9 submitted in the preliminary stage and the final stage is the
10 permit to build?

11 A. In the very beginning I sort of said, you know, we're
12 having a crisis of confidence here, and I went to the attorneys
13 and all that and talked about that very thing, you know, what
14 is preliminary and what is not.

15 And the way I feel about it is how can the Commission
16 make a judgment when there's a 1,000-foot-wide corridor and
17 people, I believe clearly from the testimony I've heard, that
18 the engineers have not been on those sites.

19 How can they lay out roads and expect the Commission
20 to give a permit to go up there and by an act of faith expect
21 that they're going to report all the wells and be completely
22 sensitive, because I know what it's like to build woods roads.

23 I've been doing this since 1975.

24 Q. I understand that, but for the sake of time did you -- I'm
25 talking about what LURC is required to have submitted.

1 Are you familiar with that? The answer is yes or no.

2 A. Yes.

3 Q. Thank you. When you looked at wetlands out there, did you
4 assess the soils? Do you look at the soils?

5 A. I did the same thing that I saw in the application that
6 the Applicant did. I did not do data sheets. No.

7 Q. You didn't do soils?

8 A. No.

9 Q. You don't know if they're hydric or not?

10 A. No.

11 Q. Okay, thank you. For streams did you, when you assessed
12 the streams for the criteria, what break area did you use?

13 A. I found it kind of amusing when we were out there. I
14 started to feel bad because I was seeing all these streams.

15 It got to what I did what I call the three-rock rule.
16 If I picked up three rocks and it didn't have a bug, they all
17 had skallowed channels. So I was just using the aquatic insect
18 as the second parameter for a while. On the ones that were
19 marginal, if they were marginal, I didn't write them down.

20 In retrospect, I wish I had written down a lot of the
21 seeps that I didn't that had summer stream characteristics.

22 Now, I don't know where you went when you were out
23 there, because I wasn't afforded the opportunity, so I don't
24 know what you looked at.

25 Q. I'm just wondering about the criteria, the stream

1 criteria.

2 A. Right. There was a regular cast of characters there.

3 MS. SPENCER-FAMOUS: Thank you.

4 I think I'm going to go over to Bert Lambert.

5 EXAMINATION

6 (Of Mr. Lambert)

7 BY MS. SPENCER-FAMOUS:

8 Q. I just want to make a comment right now that you had made
9 some comments about the toolbox approach, and, you know, this
10 is not such a question to you but I think later on we will have
11 Dave Rocque describe a little bit about the changes we have.

12 This is really not a question to you, just a comment
13 right now that I think we should go into a little more detail
14 to clarify some of that. I think it would be helpful.

15 I'm not going any further with that unless you've
16 talked to Dave. Have you talked to Dave about that?

17 A. No, I haven't. I just gathered that opinion based on the
18 Applicant's application. It's pretty obvious to me what
19 they're trying to do.

20 MS. SPENCER-FAMOUS: Okay, thank you.

21 Jody, I have a couple quick questions for you.

22 EXAMINATION

23 (Of Ms. Jones)

24 BY MS. SPENCER-FAMOUS:

25 Q. You would agree that that habitat being present doesn't

1 necessarily mean that the habitat is being used by the rare
2 species in question; is that correct?

3 A. I am sorry, I don't understand.

4 Q. That a habitat can be available for say lister, that
5 doesn't mean that habitat actually supports the population.
6 That that habitat type would indicate you would look for that
7 but you wouldn't necessarily find it there?

8 A. That's correct.

9 Q. So the same with Bicknell, it may or may not be present in
10 the habitat; is that correct?

11 A. That's correct, but it's definitely on Redington and
12 Black Nubble.

13 Q. Right. And I forget, how many Bicknell were found by the
14 Applicant?

15 A. They did a breeding bird survey, and I don't have that
16 number in front of me. It did not estimate densities. They
17 identified -- I don't know. I don't recall that number.

18 Q. I sort of remember there being a couple?

19 A. No, it was more like -- I remember that there were -- more
20 than 10 and certainly we heard them frequently when we went up
21 there on a site visit.

22 They are actually very difficult to detect.

23 Q. Right, I understand that.

24 A. So hearing them.

25 Q. For the sake of time, you had made the statement about 305

1 acres of prime habitat being destroyed?

2 A. That's correct.

3 Q. This morning when I read the statements and I took the
4 number right out of the application, 307 acres of clearing
5 entirely all habitat and all planned subdistricts --

6 A. About --

7 Q. No, 305 total for all the clearing entirely for the entire
8 project, including the utility lines. So it sounds like it was
9 a discrepancy between --

10 A. I'll have to check on that, thank you.

11 Q. One final question for you. You talked a lot about the
12 rarity of Bicknell and the habitat type, and as you know, there
13 is migrating Bicknell along the coast, there's habitat site for
14 that, and that range, as you say, is in the northeast; is that
15 correct?

16 A. That's correct.

17 Q. I looked -- I poked around and I read your testimony and I
18 looked for records of migrating, annotations but mostly
19 migrating.

20 I guess in some of the northern locations there was
21 some breeding, too, but I found reference to Schoodic Head,
22 Grand Manan, Jonesport, Oquossoc gravel pit, Adirondacks, all
23 through New Brunswick, Cape Breton, Campobello, Quoddy Head.

24 So this is also habitat for Bicknell?

25 A. It used to be. My understanding is a lot of those records

1 have not been reidentified, and there is concern that the Down
2 East Bicknell Thrush was sort of a fragment of the population
3 and may no longer be viable.

4 Q. These were fairly recent records in the last, say, five or
5 ten years, so I can't substantiate what is current today.

6 A. Right, I think there's grave concern that those
7 populations aren't large enough to be sustainable and the
8 habitat is marginal.

9 MS. SPENCER-FAMOUS: Okay, thank you.

10 EXAMINATION

11 (Of Ms. Jones)

12 BY THE CHAIR:

13 Q. I guess there was one quick question I had. I think you
14 made the statement kind of black and white that if the habitat
15 exists nowhere else in world?

16 Is that what you really meant to say?

17 A. The bird and its habitat is endemic, which means that this
18 particular species occurs only in the northeast and that's what
19 I'm saying.

20 Q. The northeast is a pretty big area.

21 A. Well, you know, endemic species are not very common.
22 They're a rarity amongst orintologists. Like if you were to
23 travel to the tropics, there might be an endemic specie on the
24 Dominican Republic. It only occurs there.

25 THE CHAIR: I guess I had a few other minor points,

1 but I'm not going to prolong the agony here.

2 I guess I continue to make my statement which made me
3 famous. The differences you point out in the ecological
4 studies is still somewhat of a mystery to me, but I don't think
5 I'm going to solve it here today. I'll express that concern
6 for the record.

7 I'm going to turn it over to Mr. Thaler for his
8 cross-examination.

9 MS. TRACEY: Good afternoon. My name is Sarah
10 Tracey. I'm one of the attorneys for Maine Mountain Power.
11 I'll be questioning Mr. Albright and Mr. Lambert.

12 EXAMINATION

13 (Of Mr. Albright)

14 BY MS. TRACEY:

15 Q. Mr. Albright, on Page 15 of your prefiled testimony you
16 said alternatives that should be studied including leasing
17 additional vans and resiting loads of turbines greater
18 distances from the saddle.

19 That saddle you're referring to are the two stagnant
20 wetlands that I had shown you in the exhibit that I gave to you
21 and the Commission; is that correct?

22 A. That's correct.

23 Q. And that's where the northern bog lemming was actually
24 found at the base of Redington Mountain; is that correct?

25 A. That's correct.

1 Q. Referring you to this map, are you aware of Maine Mountain
2 Power's sworn testimony yesterday that Maine Mountain Power has
3 arranged to purchase additional land to move the road farther
4 outside of the bog lemming stagnant wetlands?

5 A. Yes.

6 Q. You testified in your prefiled testimony that you were
7 concerned about the direct impact to the bog lemmings from the
8 blasting for the road and turbine foundations; correct?

9 A. Yes.

10 Q. And referring to this map that I gave you, the turbines
11 that are located in that area are Turbines 6, 7, and 8;
12 correct?

13 A. Yes.

14 Q. Are you aware that the road that passes between Turbines 6
15 and 7, the road that's near the wetlands that we're referring
16 to, will not require any blasting?

17 A. I wasn't aware of that. There was no blasting plan or
18 indication in the application, so there was no way that I could
19 know that.

20 Q. Are you aware that the foundations for Turbines 6, 7, 8
21 will not require any blasting?

22 A. No, because that was not specified in the application.

23 MS. TRACEY: Thank you.

24 Mr. Lambert.

25 EXAMINATION

1 (Of Mr. Lambert)

2 BY MS. TRACEY:

3 Q. Good afternoon, Mr. Lambert.

4 A. Good afternoon.

5 Q. You said in your testimony today that the -- I'm sorry --
6 that this road is built to standards to allow for the
7 transportation of very heavy, over-sized trucks with loads that
8 have to be specially permitted. This would qualify as a major
9 project in Maine; is that correct?

10 A. That's correct.

11 Q. And these standards you're talking about are Maine
12 Department of Transportation standards?

13 A. Actually, a lot of departments get involved in giving
14 special permits.

15 The actual permit is issued by the motor vehicle
16 division, and what they do is they contact MDOT for advice, and
17 the main entity there is bridge maintenance. The engineers --

18 Q. Thank you, Mr. Lambert, I'm pressed for time.

19 What standard would you be referring to then, not the
20 individual people?

21 A. It's actually State law.

22 Q. And those are standards for permanent roads?

23 A. That's right.

24 Q. Are you aware that the roads that we're talking about that
25 go up the mountain are actually -- that are actually going to

1 have the heavy-duty load are temporary loads that will be
2 holding heavy loads for only about six weeks?

3 A. Yes.

4 Q. And that the permanent 12-foot road at the end of the
5 construction will really only need to be a medium- to
6 light-duty truck load; are you aware of that?

7 A. No, I couldn't gather that from your application.

8 Q. As I read your testimony on Page 3, you stated that -- and
9 from your prefiled testimony -- I gather that you're
10 dissatisfied with the level of detail that Maine Mountain Power
11 has submitted with its plan.

12 Is it that you need to have proper prior details on
13 the ground plans that do not exist in your prefiled testimony
14 on Page 2, to apply that Maine Mountain Power hadn't met the
15 standard scale of plan views because the standard was 1 inch to
16 every 250 foot at 50 feet; is that correct?

17 A. That's correct.

18 Q. And that your implication was that the larger scale of
19 Maine Mountain Power had used was in fact insufficient; is that
20 right?

21 A. Yes, to have detailed plans, you need 50-foot -- 20-meter
22 cross sections, which as far as I know don't exist.

23 Q. And that standard plan scale, the 1 inch to 50-foot, is
24 the standard that you use in your experience; is that right?

25 A. That's right. I've had 37 highway jobs, and they always

1 do that.

2 Q. And the highway jobs that you've been participating on are
3 State highway jobs for Maine DOT; is that correct?

4 A. That's right.

5 Q. And the Maine Department of Transportation has an
6 obligation because they're using the public purse to go through
7 a detailed budgeting and bidding process; is that correct?

8 A. That's right.

9 Q. So to get comparable competitive prices for publicly
10 funded projects, you need high levels of detail on your plans
11 and bid documents; correct?

12 A. You said public?

13 Q. To get comparable and competitive prices for publicly
14 funded projects, you need high levels of detail under plan and
15 bid documents; is that correct?

16 A. That's correct.

17 Q. Isn't it true that private construction projects are
18 negotiated, not bid out, in the same way publicly funded
19 projects because they're not on the public dime, they're using
20 their own budgets; is that correct?

21 A. I've worked with projects, both construction, in my
22 consulting business and we always use a 50-foot bridge
23 standard.

24 That's a pretty rare thing to build a road that's
25 expensive and not have a detailed set of plans. It's really,

1 to me, lacking seriously.

2 Q. Have you used the AutoCAD program, Mr. Lambert?

3 A. I have a CAD program but it isn't called AutoCAD.

4 Q. You stated in your testimony this morning -- pardon me
5 while I get my bearings -- you stated in your testimony this
6 morning that most likely excess, unneeded rock will be
7 deposited in abutting areas creating a waste dump, and if I may
8 paraphrase, that will greatly impact the visual impact at
9 higher elevations; is that correct?

10 A. That's correct.

11 Q. Are you aware that any and all material that occurs from
12 removal of material at the site will either be reused or
13 trucked and disposed of off site?

14 A. DeLuca, in their basis of construction report, has a
15 diagram that shows cutting up pieces of the top of the mountain
16 and wasting the materials on both sides.

17 So that's where I got that idea from. I don't know
18 what you -- are you telling me you're going to haul that stuff
19 off the mountain.

20 Q. All of the excess material will be trucked off site.

21 Are you aware of that?

22 A. No, I wasn't aware of it.

23 Q. And you've gone pretty detailed calculations on the amount
24 of dynamite that will be used, the amount of blasting that will
25 be occurring at this site.

1 And assuming for the moment that your calculations
2 are correct, you have calculated that there will be 12.5 miles
3 of road and that there will be 26 tons of dynamite used on this
4 project; correct?

5 A. That's correct.

6 Q. And in conclusion, you stated that they -- meaning Maine
7 Mountain Power -- are literally proposing to blast the top of
8 these mountains off; is that correct?

9 A. That's correct.

10 Q. Are you aware of the Mars Hill wind power project?

11 A. I've never been there, no.

12 Q. Did you know that the Mars Hill project is in the process
13 of being built?

14 A. Yes, I did.

15 Q. Do you know how much dynamite has been used at the Mars
16 Hill project?

17 A. I have no idea. All I know is that it's 1.25 pounds per
18 cubic yard.

19 Q. Were you aware that the Mars Hill project has built 5
20 miles of road and used 87.5 tons of dynamite?

21 A. I have no idea.

22 Q. Would you agree that 87.5 tons of dynamite is more than
23 three times the amount of dynamite that you've said that we're
24 going to be using, that 87.5 or 26 times --

25 A. Is that a statement or a question?

1 Q. Do you agree that --

2 A. I agree that --

3 Q. 87.5 is about three times the amount of dynamite used by
4 Maine Mountain Power?

5 A. I agree that three times 26 would give you that
6 conclusion.

7 MS. TRACEY: Thank you very much, Mr. Lambert.

8 MR THALER: Thank you very much. I'll try to move in
9 no particular logical order here.

10 EXAMINATION

11 (Of Mr. Brown)

12 BY MR. THALER:

13 Q. Mr. Brown, you were responding to some questions by LURC
14 staff.

15 Do you agree that are three criteria required for an
16 area to be considered a wetland?

17 A. I do.

18 Q. That would be first dominance of hydro vegetation;
19 correct?

20 A. That's correct, soils and hydrology. Yes.

21 Q. Second would be hydric soils; and third would be evidence
22 of hydrology; correct?

23 A. Correct.

24 Q. And you would need all three before you would have an area
25 you consider a wetland; is that right?

1 A. That's correct.

2 Q. Now, did you do any testing, yourself, of the hydric
3 soils, whether the soils were hydric when you were out doing
4 all your walking inch-by-inch?

5 A. Row-by-row.

6 Q. Row-by-row?

7 A. I did not.

8 Q. All right, thank you. You also presented a slide this
9 morning -- I think it was this morning or early afternoon -- at
10 the end of your show that showed CFS on a graph as well as
11 another three-letter acronym, I don't recall.

12 A. ABF.

13 Q. ABF. Was that taken, the CFS taken from a waterway?

14 A. It was. It's the USGA's agent station on Carrabassett and
15 North Anson. It's an unregulated river. I use that whenever
16 I'm working up here when I want to look at natural conditions.

17 Q. So you didn't look at meteorological rainfall data for the
18 first 11 days of the month?

19 A. No, I didn't; and actually because my show was truncated,
20 I was going to show a picture of Marsh Stream, because I was
21 remarking to Tim about how low the water was for the time of
22 year. It was actually very low in the big streams up here for
23 that period.

24 Q. In terms of -- I think you talked about the fact you
25 understood that -- this is in response to Marcia's questions --

1 that the preliminary development planned stage and that
2 currently in the proposal there are corridors that will be
3 narrow in terms of the actual transmission lines for final
4 design?

5 A. Yes. I will say that that's pretty much not my
6 experience. On any project we've ever worked on, we kind of
7 have a sketch plan to design a \$150 million project.

8 Q. Well, LURC regulations make you do certain things.

9 Why don't we also talk about in terms of the
10 transmission line corridor, when you were doing your walk, were
11 you primarily walking down the centerline of the corridor?

12 A. I was.

13 Q. You didn't walk 300 feet one way, 300 feet the other way;
14 correct?

15 A. Never did.

16 MR. THALER: Thank you.

17 Mr. Clark -- Mr. Field, I'm sorry.

18 EXAMINATION

19 (Of Mr. Field)

20 BY MR. THALER:

21 Q. I just want to clarify, Dave, you said that -- I believe
22 you said orally today that Black Nubble creates the greatest
23 visual impact on Saddleback; correct?

24 A. That's my judgment, yes.

25 Q. So therefore, have you heard about this Black Nubble-only

1 proposal that NRCM has entered?

2 A. I have.

3 Q. Is it the position of your group that you would oppose the
4 Black Nubble-only project, as well, because of scenic impact?

5 A. Yes.

6 MR. THALER: That's all I have. Thank you.

7 If you could pass next to your left to Dr. Calhoun.

8 EXAMINATION

9 (Of Dr. Calhoun)

10 BY MR. THALER:

11 Q. Dr. Calhoun, I think you and I have met before in some
12 other proceedings.

13 Are you a certified soil scientist licensed in the
14 State of Maine?

15 A. I am not.

16 Q. Are you a certified geologist, which is required in order
17 to --

18 A. No.

19 Q. Do you have any expertise in ground water hydrology?

20 A. I have collaborated on a project. I've been doing this
21 for four years. I am not a hydro geologist.

22 Q. Now, you were, in terms of Black Nubble and Redington, am
23 I correct that you spent -- you did a day trip up part of
24 Redington; is that correct?

25 A. That's correct.

1 Q. And you haven't been up Black Nubble in connection with
2 this project and your testimony?

3 A. That's right.

4 Q. Is it also true that you didn't do any test pits when you
5 were going up Redington or down Redington?

6 A. I didn't think it was incumbent upon me to do test pits.

7 Q. We'll let the Commission decide that ultimately in
8 weighing your testimony.

9 In terms of your research, you talked about your
10 research as primarily Down East; correct?

11 A. That's correct.

12 Q. Aren't the soils of a different nature where you've been
13 doing your research from the soils here on Redington and
14 Black Nubble?

15 A. The soils are different, but we have shallow seeps,
16 boulder seeps, as well, and channeled mineral soils with short
17 and permeable layers, so that's my answer.

18 Q. Are the soils primarily granitic Down East?

19 A. Yes.

20 Q. And they're not primarily granitic here; correct?

21 A. Correct. Impermeable layers are impermeable layers.

22 Q. I also just wanted to understand. In your testimony you
23 talked about why you didn't think one could build in the
24 winter, why you couldn't build in spring or fall, and why you
25 couldn't build in the summer; correct?

1 A. Correct.

2 Q. Does that leave any time of the year for building over
3 2,700 feet?

4 A. Not on this particular site, which is extremely fragile
5 and hydrologically complex. Absolutely not.

6 Q. And that's based on your one day of a day trip up
7 Redington only, not Black Nubble; correct?

8 A. That's correct; and based on the species and the habitat
9 that occur there and my experience doing day trips to seeping
10 mountains.

11 Also, I have data from all of the reports from the
12 Applicant.

13 Q. Let me just ask you one or two other questions.

14 You seemed to suggest that with respect to this
15 project there hadn't been any design to handle flow from seeps;
16 is that your testimony?

17 A. That's not my testimony. I saw the sandwich and all the
18 toolbox that was there, but what I was objecting to is that you
19 can start building the road and make decisions at that time on
20 the road what you want to use in that toolbox before you know
21 the extent of hydrologic challenges on that mountain.

22 Q. Have you seen the diagrams that would engineer such that
23 the flow or the discharge on the seeps would continue to be
24 discharged down slope streams, transferred beneath the road?

25 A. I think you didn't hear my answer. I've seen the designs.

1 The sandwich is appropriate for that sort of area. What I have
2 not seen is the extent that would be needed to work in such a
3 hydrologically complex, fragile area.

4 Q. One other question. I was a little surprised to hear, are
5 you offering an opinion that this project would have an adverse
6 impact on fish?

7 A. I am offering an opinion that given all of the data that
8 we know about how seeps and very small amounts of a watershed
9 contribute to base flows, this mountain feeds Nash Stream; so
10 yes, I would hazard that it has not been demonstrated that no
11 undue adverse effect would be found in Nash Stream, and
12 downstream wetlands as well, by a major development on this
13 fragile mountain.

14 Q. In terms of hazarding a guess, have you reviewed the
15 comments file with LURC by the Department of Inland Fisheries
16 and Wildlife specifically relating to fisheries impacts?

17 A. Yes, I have.

18 Q. Do you recall that they felt that there would not be an
19 undue adverse impact on fisheries as long as some of the
20 measures proposed by the Applicant were undertaken?

21 A. Absolutely, I don't believe that they've done enough in
22 their investigation to come to that conclusion.

23 Q. So you disagree with the conclusion reached by the
24 department?

25 A. I absolutely do.

1 MR. THALER: Thank you. Moving right along, the next
2 question is for Mr. Horn.

3 EXAMINATION

4 (Of Mr. Horn)

5 BY MR. THALER:

6 Q. J. T., I have a few questions for you. You have in your
7 prefiled testimony a statement that if a road system were built
8 on Redington Peak, there will be a significant loss to people
9 who perform this form of recreation, meaning hiking, because of
10 easy access to the road system.

11 Do you recall saying that?

12 A. I do. What I meant by that was that the Comprehensive
13 Land Use Plan places premium on remoteness and primitive
14 recreation.

15 One of the things about remoteness and primitive
16 recreation that happens here in the state of Maine is climbing
17 4,000-foot peaks.

18 There's only 14 peaks that get that high. Redington
19 is one of the only ones that doesn't have a trail to it.

20 Q. I don't mean to interrupt you, but --

21 A. I'm trying to answer your question.

22 Q. I want to ask you is whether you said something that I
23 just read. I would like to be able to ask you a follow-up
24 question so that I can just make the most effective use of my
25 time.

1 So if you could let me -- you just said -- you
2 answered yes, then I would ask you the next question which is:
3 Given your statement that there would be a significant loss to
4 hikers if there was a road on the mountain, aren't there a
5 significant number of hikers who each year hike to and up to
6 Mt. Washington?

7 A. Yes, there are.

8 Q. And there's a road up to the top of Mt. Washington;
9 correct?

10 A. That's true.

11 Q. And is there also a road up to the top of Mt. Greylock in
12 Massachusetts on the AT?

13 A. Yes.

14 Q. Is there also a road going up to Clingman's Dome on the AT
15 in Tennessee?

16 A. Yes; and one of the things --

17 Q. Excuse me.

18 A. -- unique about those mountains --

19 MR. THALER: Mr. Chairman, I would like the witness
20 to just answer the question. I don't think any other witness
21 so far in this hearing has taken just a simple yes or no and
22 then gone on for a few minutes. I don't think it's appropriate
23 or fair to me.

24 THE CHAIR: Just answer the question. I understand
25 your -- we all understand your frustration, but you have to

1 answer the questions he asks.

2 THE WITNESS: Thank you, Mr. Harvey.

3 MR. THALER: Thank you, Mr. Chairman.

4 BY MR. THALER:

5 Q. I also wanted to ask you, there was some discussion, as I
6 recall, when we were doing our site visit up here with the
7 Commissioners.

8 You were part of that visit; right?

9 A. Yes, I was there.

10 Q. That was the a few weeks ago?

11 A. Yes.

12 Q. You recall there was a discussion about sort of membership
13 in your organization and who were the types of people who
14 generally would devote the time to doing the trail work, things
15 like that, or had the time to do that kind of volunteer work?

16 A. We have many kinds of members, some of which do trail
17 work, but many are just supporters of our organization.

18 Q. Is it true that the number of people -- through hikers is
19 a term where somebody hikes from beginning to end of the trail;
20 correct?

21 A. Correct.

22 Q. And that's something that the Appalachian Trail
23 Conservancy keeps track of, the numbers each year; correct?

24 A. We keep track of anyone who self reports.

25 Q. All right. Are you aware of the numbers from the last

1 five or six years showing a steady decline in the number of
2 through hikers utilizing the Appalachian Trail?

3 A. I'm aware of that trend.

4 Q. Let me just show you quickly in exhibit.

5 J. T., this is from the Appalachian Trail Conservancy
6 website, is it not?

7 A. It appears to be.

8 Q. Does this confirm what you just told me, that since 2000
9 there's been a decline in the number of through hike
10 completions that have been reported?

11 A. That's true.

12 Q. Let me also ask you, in terms of -- and I don't know if
13 you're the appropriate person to ask or Dave so tell me --
14 there's something called the local plan for the management of
15 the Appalachian Trail in Maine, Grafton Notch to Katahdin.

16 Which organization does that?

17 A. The Maine Appalachian Trail Club is the author of that
18 plan; Dave's probably a better person to answer.

19 EXAMINATION

20 (Of Mr. Field)

21 BY MR. THALER:

22 Q. There's a draft, Third Edition January 2006?

23 A. Yeah, that should be the most recent.

24 Q. I think that's what you submitted to LURC as I recall, is
25 that correct, either you or Steve?

1 A. Somebody did.

2 Q. There's a statement in here that -- well, first of all, it
3 says that outside of public highway corridors, the trails cross
4 by only four power transmission lines and no telephone lines.

5 Is that generally consistent with your knowledge?

6 A. I'd have to mentally run through it, but that sounds about
7 right.

8 Q. Are you aware that the line related to this project will
9 be running under the road and --

10 A. That's my understanding.

11 Q. Also there's a statement in the draft plan that you
12 authored that entrepreneurs are experimenting with wind power
13 to electricity generating facilities in the vicinity of the
14 trail in western Maine and have announced hopes for large
15 windmill "farms" near the AT.

16 Did you write that?

17 A. Sure.

18 Q. Was one of those farms this particular project?

19 A. It's the only one.

20 Q. It just said plural, so I wasn't sure.

21 You also then wrote in the next sentence, All
22 mountain peaks along and near the trail are now public
23 ownership or protected by easement rights.

24 Is that generally consistent with your understanding?

25 A. Along is correct; near, obviously middle ground,

1 background, whatever here; but yes.

2 Q. So that statement was correct?

3 A. Yes.

4 Q. Redington and Black Nubble are neither in public ownership
5 nor protected by easement rights; correct?

6 A. That's correct.

7 MR. THALER: Let me just offer that as an exhibit.

8 For the record I'm not marking the whole thing, I
9 think it's about 90 pages or so, but --

10 MR. FIELD: Without the appendices.

11 MR. THALER: Right. Moving right along,
12 Mr. Chairman. I think Mr. Publicover, if he could have the
13 microphone.

14 EXAMINATION

15 (Of Mr. Publicover)

16 BY MR. THALER:

17 Q. David, you mentioned in your testimony this afternoon, you
18 referenced Mr. Pelletier's presentation yesterday in the
19 opening PowerPoint presentation, and he had showed some
20 comparative fragmentation analysis slides.

21 Is that what you were referring to when you were
22 talking about the issue of --

23 A. Yes.

24 Q. Okay. And is it true that you had made an error in your
25 testimony and your description of what was the unfragmented

1 roadless block in question?

2 A. No.

3 Q. Well, is it true that you had not put -- let me strike
4 that.

5 Were you aware of the clearcut that Mr. Pelletier
6 talked about yesterday?

7 A. Not until I saw the aerial photo in his prefiled
8 testimony.

9 Q. Is it true that now knowing about the clearcut in that
10 area that that impacts your testimony that you had prefiled
11 with the Commission?

12 A. In a technical sense, yes; not in any material way.

13 Q. In a technical sense the boundaries of what you said was
14 an unfragmented roadless area that is changed; isn't that true?

15 A. Yes.

16 Q. And I'll leave it to the Commission to decide whether
17 that's technical or not.

18 But the clearcut area is right -- is up in the area
19 that -- in the slide that the Commissioners have I'm showing
20 you what's up in that blue circle in the upper right-hand
21 corner?

22 A. Yes.

23 Q. Did you say to Mr. Pelletier yesterday afternoon, good
24 catch?

25 A. I did.

1 Q. Did you also tell him you wondered if he was going to
2 catch it?

3 A. Yes.

4 Q. When did you know, or did you know before Mr. Pelletier
5 testified that there was something to catch?

6 A. When I made the information request after the prefiled
7 testimony had been -- after the information request had been
8 made after the prefiled testimony, I made an information
9 request for Mr. Pelletier's materials, and when I received that
10 material and I saw it I said, uh, there's a clearcut here.

11 Q. Did you write a letter or do anything to notify the
12 Commission and parties that you had made a mistake in your
13 prefiled?

14 A. No, I did not.

15 Q. I know you generally -- you're a very experienced -- I
16 don't have your resume in front of me.

17 Remind me, are you a forest ecologist by background?

18 A. I have a bachelor's degree in forestry and a doctorate in
19 forest ecology.

20 Q. Are you aware of something that's been going on in forests
21 in North America that's connected to global warming related to
22 new pests and diseases spreading northward?

23 A. I'm aware of that trend, yes.

24 Q. Are you aware of something called the mountain pine beetle
25 that is devastating substantial portions of the forests in

1 Canada, which is spreading from west to east?

2 A. I'm not aware of the specifics of that particular insect.

3 Q. I'll show you what I've marked as an exhibit, an article
4 called "Rapid Warming" spreads havoc in Canada's forests March
5 2006 relating to millions of acres of forests being decimated
6 by the mountain pine beetle.

7 MR. PIDOT: Is this for pursuit of your questioning?
8 This exhibit that you're planning to hand out, is this for
9 further questioning?

10 MR. THALER: Of this witness?

11 MR. PIDOT: Yes.

12 MR. THALER: No, I was in parley to see if that would
13 help refresh him since he studies in this area, whether it's
14 something that --

15 MR. PIDOT: So it is in pursuit of a question?

16 MR. THALER: Yeah. I mean, there was going to be one
17 follow-up question. Yes.

18 MR. PIDOT: This is not evidentiary, in other words?

19 MR. THALER: No, it is evidentiary.

20 Can I ask my next question?

21 MR. PIDOT: Why don't you go ahead.

22 BY MR. THALER:

23 Q. My question is that according to the article that people
24 quoted in here and other information, as well as information
25 that's been published by groups like Natural Resources Council

1 of Maine, and possibly AMC, about forest diseases and the
2 effect of global warming, you had indicated in your testimony
3 earlier that AMC was aware of the need for more clean renewable
4 power; is that generally true?

5 A. Yes.

6 Q. Therefore, as part of your organization's knowledge about
7 the need for more renewable power, is part of that based upon
8 the fact that global warming can and has been leading to the
9 spread of diseases impacting forests, both in this country and
10 in Canada?

11 A. That's one impact of global warming, yes.

12 Q. And is it true that those diseases can have and are having
13 substantial economic devastating impacts on the areas that
14 they're spreading?

15 A. I'm not a forest economist. I can't speak to that
16 knowledge.

17 MR. THALER: I don't have anything more,
18 Mr. Publicover; and I think my last witness may be Ms. Jones.

19 EXAMINATION

20 (Of Ms. Jones)

21 BY MR. THALER:

22 Q. Ms. Jones, Jody, you had I think very early in your
23 remarks this afternoon talked about a stakeholder process that
24 Audubon initiated that you were personally very involved with
25 to develop some kind of common methodological approach to

1 evaluate bird and bat impacts from wind farm projects; is that
2 right?

3 A. Not exactly. We weren't evaluating bird and bat impacts.
4 What we were doing was developing protocols for wind farm
5 developers how to assess bird and bat impacts, and also
6 developing a common set of criteria for understanding conflicts
7 among wildlife resources and potential projects.

8 Q. And you personally have been, from Audubon's perspective,
9 pretty much spear heading that; is that correct?

10 A. That's correct.

11 Q. Now, in your testimony you indicated to the Commission
12 that -- well, let me strike that.

13 You had attached an April draft of that report or
14 what was called a report, to your testimony to the Commission;
15 correct?

16 A. The products from that stakeholder committee are two-fold,
17 and the draft bird call was attached. We're also currently
18 working on citing guidance, and that document was not far
19 enough along for me to attach it.

20 Q. Well, in fact, isn't it true that the document you gave
21 LURC has not been approved or peer reviewed by either the task
22 force or by any outside party?

23 A. That's correct.

24 Q. Isn't it also true that a number of the participants in
25 that task force have not had input into or commented upon the

1 draft that you've now given the Commission?

2 A. That's not correct.

3 Q. Well, let me show you an e-mail that was sent to you and
4 some of your group.

5 A. I want to make sure I understood your question. May I ask
6 a clarifying question?

7 Q. Sure, in this instance.

8 A. Could you ask -- my understanding of the question was that
9 isn't it true that a number had any input?

10 Q. No. My questions was: In terms of reviewing, commenting
11 on, and signing off on the latest draft of the report.

12 A. Everybody in the stakeholder group has had input into it.
13 It is in draft form and it has not been signed off on.

14 Q. So when you gave it to the Commission, you weren't
15 intending to suggest to them that that was something that
16 Marcia, for example, who is part of the stakeholders, had asked
17 for, or Harley Lee, or others on it had signed off on it or
18 agreed with it; correct?

19 A. Absolutely not. I wanted to give the Commission an idea
20 of what we were working on. It's not complete.

21 Q. Are you aware of one of the members being Ron Crossman?

22 A. Oh, I certainly am.

23 Q. I'm sure you are. Are you also aware that Mr. Crossman
24 has written to you and complained several times about
25 statements you've made to the press and then in your

1 representations to this Commission about the status of that
2 stakeholder draft?

3 A. I am. We've also had a number of stakeholders participate
4 in drafting our press release in support of it. We don't have
5 100 percent support, as any stakeholder group.

6 Q. Well, in fact, you didn't ask for support or approval of
7 the press release or the finding of this Commission of all
8 members before you did it?

9 A. No, we did not.

10 Q. Let me show you -- I didn't put an MMP sticker on it, but
11 people can write on it.

12 For the record -- Jody, this is an e-mail that was
13 forwarded to me by Mr. Lee because he was copied on it. It's
14 an e-mail from Mr. Crossman, who was writing about the
15 background on the report that you submitted to the Commission,
16 as well as a press release that you issued just before this
17 hearing last week.

18 The third page of that exhibit in which you announce
19 that Audubon is announcing, "Final stage of projects speed
20 approval of Maine Wind Power projects."

21 Did you participate in drafting that press release?

22 A. I did.

23 Q. The words "final stage" are in the caption but are not
24 mentioned anywhere in the actual body of the release.

25 There hasn't been a meeting of this task force since

1 when, January, is that correct?

2 A. That's correct.

3 Q. Isn't it true that there is significant disagreement still
4 among members of the task force as to what should be the final
5 version of this document?

6 A. I would like to be able to respond to that fully, if I
7 may.

8 The protocol document that's attached to my testimony
9 began being developed in August of 2005. We had a subcommittee
10 group of most -- well, of scientists and consultants to help us
11 develop what might be the best approach for Maine to take on
12 developing protocols for wind power development, because there
13 had been a concern about consistency in projects.

14 We recognized the need for developers to know ahead
15 of time what types of studies should be done and where they
16 should be done.

17 So the group -- a smaller group of the full
18 stakeholder group got together and met several times between
19 August of 2005 and December of 2006 and developed a protocol
20 document.

21 We brought that document -- and it went through
22 several iterations. We brought that document to the full
23 stakeholder group, and my initial sort of -- the way our
24 thinking had gone was that this document would, because it was
25 science based and developed best protocol, would be more pro

1 forma in terms of how much the stakeholder, full stakeholder
2 group, would have an impact on it.

3 But it didn't turn out that way. So we continued
4 working on some of the language. I would say that
5 substantively, the methodologies, there's a great deal of
6 agreement on the methodology. There's still a lot of
7 disagreement on putting it in context, so that's how I would
8 characterize it.

9 Q. Thank you. In terms of the context, are you familiar with
10 a report issued by the Federal government by the United States
11 government accountability, GAO, wind power impacts on wildlife
12 and government responsibilities for regulating development and
13 protecting wildlife?

14 A. I am.

15 Q. In fact, this was a study that you relied upon in part in
16 drafting some of the draft protocol?

17 A. In part.

18 Q. Right. In your testimony to the Commission that you
19 prefiled, you spoke and focused upon one project in California
20 called Altima; are you familiar with that?

21 A. I am.

22 Q. Are you familiar that in GAO report from the Federal
23 government they say that Altima is an usually anomaly type
24 situation because of different factors related to that project?

25 A. I am.

1 Q. You didn't say that to the Commission, though, in your
2 prefiled, did you?

3 A. What I said was that -- probably not.

4 What I said was there were specific sites that have
5 high levels of collision mortality and that we need to be
6 careful because the new turbines are reaching farther up into
7 the migratory pathway, and these are taller than any other
8 turbines that have been built. There's only a handful of sites
9 where these are located.

10 Q. One of the differences with the turbines out there -- I
11 know we can't see the picture -- but I heard the description of
12 the Eiffel Tower, I think the other night, public comment that
13 they're called latticework towers?

14 A. That's right.

15 Q. And the type of tower being proposed here for the
16 Vestas 90 project is totally different from the lattice tower;
17 correct?

18 A. That's correct.

19 Q. In fact, the tubular tower will be considered an
20 improvement over the latticework tower in terms of potential
21 bird impact; correct?

22 A. Actually, they found that the lattice towers, they used to
23 think that they were perch sites for birds, but the recent
24 California publication indicates that although some of those
25 can be problematic, that's not the primary reason for

1 collision.

2 So that has been sort of recognized as not as
3 important as other indicators.

4 Q. Now, I know you're familiar with the GAO report. It has
5 an appendix that reports studies of birds, bats, and raptor
6 tally rates by region at a number of different sites around the
7 country.

8 You generally remember that?

9 A. In general, yes.

10 Q. But you didn't provide that appendix, that tabulation of
11 those studies, to the Commission in your testimony, did you?

12 A. No, I did not.

13 Q. And in fact, that study, for example, for birds generally
14 shows in terms of fatalities per turbine per year ranges of
15 zero to 4.04, just one in Tennessee being 7.28; do you recall
16 that?

17 A. I do recall that.

18 Q. But you didn't give those statistics to the Commission in
19 your prefiled, did you?

20 A. No, I did not.

21 Q. Likewise, there's statistics in here with respect to bat
22 fatalities per turbine per year by region, and except for again
23 this one Tennessee project, you agree that generally with bats,
24 the Appalachian region shows, relatively speaking, more bat
25 fatality than other regions, particularly the northeast?

1 A. Well, we don't have a very large sample size. There are
2 very few -- as we learned in testimony today -- very few
3 turbines built in the northeast, so we have no information on
4 that. That's correct.

5 Q. Would you generally agree that the vegetation, the tree
6 type, the shag bark type of tree, and the type of broad leaf
7 there and the caves provide more of a sort of welcoming habitat
8 for bats than the type of habitat that you find here in Maine
9 in terms of spruce/fir and on the type of trees we have?

10 A. I couldn't -- I don't really have an answer for that. I'm
11 not a bat biologist. I don't know.

12 Q. I do know you know something about Bicknell Thrush,
13 though; correct?

14 A. That's correct.

15 Q. Is it also true that there's something called Audubon
16 Watch Lists. What's that?

17 A. That's a National Audubon list, and it has to do with
18 birds of conservation priority. I'm not that familiar with it
19 to be perfectly honest.

20 MR. THALER: And I apologize, this is the color
21 exhibit I know I had 25 copies of, I'll probably find back at
22 the hotel, so I will submit to everybody on the record that it
23 comes from the Audubon website, but I will just show Ms. Jones
24 briefly for a moment.

25 BY MR. THALER:

1 Q. Are you familiar with the Bicknell Thrush section of the
2 Audubon list?

3 A. No, I'm not. I primarily relied on the Vermont Institute
4 of Natural Science who is doing most of the research.

5 Q. Since you're relying on Vermont research, not Audubon, let
6 me ask you a general question.

7 Do you agree --

8 A. That's National Audubon.

9 Q. I thought Maine Audubon is now connected to National
10 Audubon.

11 A. We are affiliated.

12 Q. Is it true that in your understanding that in northeastern
13 United States, high elevation forests have been declining since
14 the 60s, and that has had an impact on Bicknell Thrush habitat?

15 A. I can't directly -- I can say -- I don't know about the
16 dates, but yes, they're in decline. Yes.

17 Q. Is it also true that with respect to the Bicknell Thrush
18 there have been findings -- studies finding mercury in blood
19 and feathers of the Bicknell Thrush?

20 A. Absolutely.

21 Q. From acid or emissions from power plants?

22 A. Absolutely.

23 Q. Is it also true that -- at least according to Audubon and
24 you tell me whether the Vermont people agree -- that there's a
25 study from the United States showing the area covered by balsam

1 fir forests may be reduced by 96 percent with the anticipated
2 increase in surface temperature associated with global warming?

3 A. I'm not familiar with that study, no.

4 Q. Just a couple more questions, Ms. Jones.

5 You gave testimony about -- or actually strike that.

6 You showed the Commission that today in your slide
7 show and have in your prefiled some photographs of a place
8 called Buffalo Mountain.

9 Are you generally familiar with that?

10 A. I am.

11 Q. And you showed that to the Commission and use it in your
12 testimony, am I correct, to sort of suggest the amount of
13 clearing that might take place among the turbine string?

14 A. That's correct.

15 Q. Were you aware that the wind farm that was developed on
16 Buffalo Mountain was actually developed on what had been a
17 former strip mine?

18 A. Yes, I was.

19 Q. Did you say that in your prefiled testimony to the
20 Commission about what the prior conditions were there before
21 the wind farm was built?

22 A. Well, I didn't think that was necessary because the trees
23 had regenerated since then.

24 Q. Are you aware that -- are you aware of what this project
25 has proposed for the width of clearing around the turbines?

1 A. I am, and in my prefiled testimony, I was concerned about
2 the ability of the Applicant from what I know of previous wind
3 power developments whether or not they were going to be able to
4 strictly adhere to that from what I seen.

5 The brand of turbine, the V90, and apparently do not
6 have to lay the blades down in the way in which they have to be
7 erected. Apparently they just need a single area that's going
8 to be cleared and then raised.

9 But I would like to have -- also, the Applicant
10 submitted pictures from Nebraska of where this was being
11 erected, and there were a lot of construction debris around
12 those pictures, including large piles of dirt and heavy
13 equipment.

14 I was concerned that the Applicant was
15 underestimating the needs once they actually got on top of
16 those ridges, so I submitted that as an example of a different
17 kind of turbine, but I also recognize that the Applicant is
18 proposing --

19 Q. Are you familiar with somebody or some group called the
20 American Bird Conservancy?

21 A. I am.

22 Q. What is that?

23 A. It's an -- Gerald Wagner is the head of it. I've met him
24 at conferences that I've attended in Washington, DC, with
25 regards to how to address bird and bat issues with wind power

1 facilities.

2 So I actually know a little bit about their
3 organization, and I know that they're very supportive of wind
4 power.

5 Q. Are you familiar with their wind energy policies?

6 A. Yes, I am.

7 Q. Are you aware that they recommend that wind turbines
8 should be mono poles and not of lattice construction?

9 A. Yes.

10 Q. Are you aware that they recommend that the turbines be lit
11 using only simultaneous pulsing white or red strobes?

12 A. No, I mean, not specific. I read a number of guidelines
13 and policies across the nation in preparation for our
14 stakeholder group, so the details are not at the tip of my
15 fingers.

16 Q. The American Bird Conservancy policy also recommends that
17 all connecting power transmission lines be underground.

18 Will this project have its lines underground up on
19 the turbine string?

20 A. Yes.

21 MR. THALER: I have no further questions,
22 Mr. Chairman, thank you.

23 THE CHAIR: Thank you.

24 We -- initially the way we had the Conservation Law
25 Foundation and the Natural Resources Council planning to

1 cross-examine.

2 Are you still planning to do that?

3 PARTICIPANT: Yes, sir.

4 (Technical difficulties with microphones.)

5 BY MR. HINCHMAN:

6 Q. David, are you aware that on Earth Day 2003, the
7 Appalachian Mountain Club joined the Coalition, which in a
8 press release before you and has been handed out to the
9 Commissioners describes a grass roots effort to fight global
10 warming.

11 A. I'm aware of the area in which I've been directly
12 involved.

13 Q. I will skip having you read the pieces I wanted you to go
14 over.

15 In the same press release on the same day, are you
16 aware that AMC also announced it was launching a new program
17 called Mountain Watch?

18 A. Yes.

19 Q. Could you read from the press release right below the
20 highlighted piece, it starts with AMC staff scientist, those
21 two paragraphs.

22 A. [Quoted as read] AMC staff scientists are monitoring the
23 mountain environment in an effort to detect ecological changes
24 that may be attributable to climate change. In addition, the
25 organization is slated to launch a new program called Mountain

1 Watch, a citizen-based environmental monitoring program that
2 focuses on recording the impacts of air pollution on climate
3 change within mountain ecosystems.

4 Next paragraph in?

5 Q. Yes, please.

6 A. [Quoted as read] AMC's Mountain Watch program engages
7 people directly in the issue of climate change on a personal
8 level by involving them in actual monitoring activities, such
9 as tracking the dates when certain alpine flowers bloom from
10 year to year or monitoring ground level ozone concentrations.

11 Q. As the senior staff scientist in the northeast region,
12 presumably you're one of the scientists involved in this effort
13 to monitor the mountain environment in the northeast and detect
14 ecological changes attributable to climate change?

15 A. No, there are other scientists who are primarily
16 responsible for this program.

17 Q. Are you aware of what the Mountain Watch program is
18 identifying?

19 A. I am aware of the types of things that they are
20 monitoring.

21 Q. Let the record reflect, I think that's the AAG's cell
22 phone.

23 What are you finding with your Mountain Watch program
24 as indicated climate change in the northeast at mountain-level
25 elevations?

1 A. Well, the data collection has only been ongoing for a year
2 or two, so what we're trying to do is start the program to
3 establish a baseline to be able to detect trends. It's way too
4 early to detect any trends now.

5 Q. The Mountain Watch portion of the AMC website goes through
6 a number of impacts of climate change. The studies and numbers
7 on that website are identical to the studies and numbers and
8 direct testimony, are you aware of that?

9 A. I'm not aware of it, but we're all using the same sources.

10 Q. Right. And some of the initial analyses that you've come
11 up with that are on your website include earlier flowering
12 dates for certain wild flowers at high altitudes, decreased
13 snow fall, days without snow cover, increased growing seasons,
14 earlier ice-out dates.

15 Are you aware of all those factors?

16 A. I know those are factors involved with climate change. I
17 don't know how many of them resulted from our research.

18 Q. This is also from the AMC Mountain Watch website.

19 David, could you read the second paragraph for me.
20 It's from a website page called, Mountains, what can they tell
21 us?

22 A. Second paragraph?

23 Q. Second paragraph, Mountain environments are also.

24 A. [Quoted as read] Mountain environments are also likely to
25 be some of the most severely impacted ecosystems in the

1 northeast from future climate change. The alpine zone is a
2 climate limited environment and may be particularly sensitive
3 to changes in temperature and precipitation.

4 In addition, alpine areas are threatened by loss of
5 habitat. Most ecosystems are predicted to slowly migrate and
6 shift their distribution northward in response to warming
7 temperatures; however, alpine areas in the northeast are
8 distributed as small isolated islands surrounded by a sea of
9 inhospitable spruce/fir forests.

10 Instead of shifts in latitude, alpine vegetation will
11 be limited to shifts in altitude.

12 As these plants migrate upwards, they will be faced
13 with reduced amounts of habitat or may disappear completely.
14 Scientists are already noticing shifts in vegetation boundaries
15 from various alpine areas around the world.

16 Q. As a professional forester, biologist in this region with
17 many, many, many years of experience, in your professional
18 opinion would you agree with that paragraph?

19 A. Yes.

20 Q. Your direct testimony describes Redington Mountain ridge
21 line as one of only five exemplary examples in Maine as a rare
22 fir subalpine forest?

23 A. Yes.

24 Q. Is this subalpine forest subject to the same phenomenon of
25 shrinkage and disappearance if global warming in fact reaches

1 the levels that are predicted?

2 A. Of course.

3 Q. Would you agree that Redington Mountain then faces two
4 threats, first a short-term threat as described in your
5 testimony and your consolidated group's testimony of partial
6 impacts from construction of wind farm and a second long-term
7 threat of global warming that would essentially be a complete
8 loss of the entire ecosystem?

9 A. I agree with that. I'm not sure I would describe
10 construction of that berm and road as a short-term threat.

11 Q. I meant short term in the start day. Assuming the start
12 date --

13 A. Near term.

14 Q. J. T., global warming, by definition, effects everything
15 on earth, how would it affect the Appalachian Trail?

16 A. It certainly would affect the ecosystem of the Appalachian
17 Mountains and the visibility seen from the trail due to smog
18 and particulate matter.

19 Q. Have you guys analyzed potential impacts to the trail from
20 global warming?

21 A. We're beginning some programs not unlike the AMC's
22 Mountain Watch program. We'll call it our environmental
23 monitoring pilot program.

24 We're about two years into data gathering. We're
25 trying to get some baseline information about visibility,

1 stream information, wildlife habitat, that sort of thing in the
2 Appalachian Trail corridor.

3 Q. I'm passing out right now an article from the Appalachian
4 Trail Conservancy's newsletter from 2002 written by a man who
5 was on your ATC board of managers and founding member of Hikers
6 for Clean Air, which ATC is a member organization.

7 I just wanted to point out in that article, if you
8 open up, I've marked it for J. T., but would you agree the
9 article again shows the same numbers that are in Sealots's
10 testimony regarding the predirected degree of global climate
11 change?

12 A. I'm not an expert on that subject, but I generally don't
13 dispute the consensus position of the science world that global
14 warming is real.

15 Q. Interestingly in your article you mention the great Smokey
16 Mountains. In this article, ATC says that if that's correct,
17 the forests of the great Smokey Mountains, one of America's
18 most biologically rich regions, could be transformed into
19 scrubby savannah not unlike that of central Texas.

20 Is this one of the trail areas that you guys are
21 trying to protect -- not your office but other offices with
22 ATC?

23 A. Sure. The trail that's through the Smokey Mountains, it's
24 one of those very special places along the Appalachian Trail.

25 Q. Impacts to the trail, they're documented in this article.

1 Just in the interest of time, they talk about water supply,
2 fire, storms, insects and disease, ticks, lime disease, high
3 ozone days.

4 Would you agree those are all potential impacts that
5 would affect the recreational trail experience for members of
6 your organization and hikers of the trail?

7 A. I would agree to that.

8 Q. If you flip to the final page of the newsletter article I
9 gave you, you'll see a No. 3 and a No. 4, and both of those
10 paragraphs explain that migration of existing forest habitats
11 northward and the shrinkage and elimination of high elevation
12 habitat, would you agree those are both potential threats
13 facing the trail and the trail experience?

14 A. Yes.

15 Q. Sometime the global warming piece of this thing gets to
16 sound like science fiction. I have a hard time trying to sit
17 here as an attorney and articulate something that, as one of
18 the speakers last night, may be worse than the great
19 depression. Yet, more and more organizations and scientists
20 are doing that.

21 I wanted to ask J. T. in relation to the ATC, the
22 sidebar on the right talks about the types of things you can do
23 to fight global warming function, and it suggests that the
24 trail corridor could function as an escape route so that
25 animals and vegetation could move northward along the green

1 belt of the trail to escape the changing ecosystem and that in
2 order for that to fully function, the trail would need to build
3 green bridges on the highway crossings so that wildlife and
4 plant species could migrate northward along the trail.

5 Would you agree that I'm not alone in indulging in
6 science fiction in relation to global warming?

7 A. While this appears in our membership magazine, I can't say
8 that building green bridges is anything that ATC has ever
9 seriously contemplated or endorsed.

10 We generally have a fairly free hand with our
11 editorial policy, let's say.

12 Q. Fair enough.

13 Last question. At the very end of that sidebar
14 there's a sentence that says -- would you read for me, it
15 starts with, Little steps add up?

16 A. [Quoted as read] Little steps add up. Every incandescent
17 light bulb in replacement of a fluorescent light bulb cuts
18 greenhouse emissions.

19 Q. So I assume there that when they're talking about light
20 bulbs, they're talking about electrical use and conserving
21 electrical use?

22 A. Yes.

23 Q. And the notion is that every little step counts towards
24 stopping global warming?

25 A. I couldn't agree more.

1 Q. And light bulb uses over a year is something in the nature
2 of kilowatt hours of electricity?

3 A. I'll take your word for it.

4 Q. The Redington wind project, would that be deemed in that
5 likelihood a little step of kilowatt hours or 260,000 megawatt
6 hours a year, a larger step?

7 A. I think it's a -- has the potential to be a significant
8 new source of wind power as a potential significant new source
9 of power where appropriately sited.

10 MR. DIDISHEIM: I'm Peter Didisheim from the Natural
11 Resources Council of Maine. My first question is of J. T.

12 EXAMINATION

13 (Of Mr. Horn)

14 BY MR. DIDISHEIM:

15 Q. J. T., you stated in your testimony that ATC supports wind
16 power as an alternative for global warming.

17 How many wind power projects has ATC publicly
18 endorsed?

19 A. None.

20 Q. None. The AT goes through 14 states, from Maine to
21 Georgia, so along the entire 14 states, ATC has not endorsed a
22 windmill power project?

23 A. We tried to work out --

24 Q. That's a yes or no question.

25 A. No, we have not.

1 Q. Not at Brody Mountain Ski Area, not at Lee Mountain Ski
2 Area, to existing ski area, you didn't endorse either of those
3 projects?

4 A. We stayed neutral on those projects.

5 Q. Okay. Do you believe that from a developer's perspective
6 that a decision by an organization such as ATC not to oppose
7 their project is the same as having the organization's
8 endorsement.

9 A. No, they're not the same.

10 Q. Not the same. An attachment to your testimony listed the
11 six wind power projects that are within the view shed of the
12 Appalachian Trail. From what you just said, you've not
13 endorsed any of those.

14 All of these have run into local opposition, and one
15 has been withdrawn because of that local opposition, one was
16 denied recently in northern Vermont.

17 The only one that's actually moving forward is the
18 Hoosic --

19 A. The Deerfield project is still ongoing and it's about to
20 undergo a US Forest Service GIS process.

21 Q. But it's struck pretty deep because of opposition. You
22 haven't endorsed it; is that correct?

23 A. Well, I'm still expecting a review and the GIS sometime in
24 2007.

25 Q. In your testimony you claim that these types of locations

1 are very well sited.

2 All of them are running into opposition. How do you
3 reconcile ATC's view that building wind farms near existing
4 towns constitutes proper siting with this sort of response from
5 the local communities that have been opposed to these projects?

6 A. I'm going to give you a slightly long answer but not too
7 long.

8 Q. Don't use too much of my time.

9 THE CHAIR: You need to give the short answer. Let's
10 keep this relevant to this project, too.

11 MR. DIDISHEIM: Okay.

12 BY MR. DIDISHEIM:

13 Q. I'll just make the observation that in these communities
14 many people do not believe that those are well sited and
15 opposition has been significant.

16 MR. PLOUFFE: Is that testimony?

17 MR. DIDISHEIM: This was part of the testimony.

18 BY MR. DIDISHEIM:

19 Q. ATC has expressed strong concern about the 12 miles of new
20 roads and 11 miles of new transmission lines associated with
21 these projects.

22 The Kenetech project was considered by this
23 Commission, ultimately received a permit would have involved
24 about 46 miles of transmission lines, 76 miles of new roads, 20
25 miles of which are above 2,700 feet.

1 Did ATC intervene in those proceedings and express
2 concerns about the upper road building for transmission lines?

3 A. No, it's generally outside of our area of interest.

4 Q. So because it's outside of your area, you weren't
5 concerned?

6 A. We're a single-issue organization. We're out to protect
7 the Appalachian Trail and we generally don't get involved in
8 issues beyond our area of focus.

9 Q. So although you're concerned about global warming, you say
10 that ATC believes that wind energy must be an important part of
11 our future mix of energy sources.

12 You are only focusing on new power projects within
13 your view shed, and you have not taken an endorsement position
14 on any of those projects?

15 A. Well, has NRC ever endorsed anything in California?

16 Q. Who is cross-examining here?

17 THE CHAIR: Well, I'm beginning to wonder what the
18 process is about, because we're supposed to be talking about
19 Redington, not about the philosophical differences between NRC
20 and the Appalachian Trail Club.

21 So let's move it along here and stick to our
22 knitting.

23 MR. DIDISHEIM: I was referring to the testimony in
24 the claim, your claims with regard to wind power projects.

25 Let me move to Dave.

1 EXAMINATION

2 (Of Mr. Publicover)

3 BY MR. DIDISHEIM:

4 Q. In your testimony you say that to date we have evaluated
5 about a dozen wind power projects proposed for ridgelines
6 across New England, and this is the only one that we opposed.

7 Does AMC endorse any of those other projects?

8 A. Yes, one is that.

9 Q. Which one?

10 A. Emmerton/Kenetech Project.

11 Q. So 15 years ago you did oppose a project.

12 A significant portion of your testimony talks about
13 the damaging fragmentation effects of the project on the
14 Saddleback/Redington/Crocker roadless complex, and you state
15 that Redington's in the middle of that.

16 Is Black Nubble within that roadless area?

17 A. No.

18 Q. The site analysis process that AMC as gone through
19 including five screening factors, you referred to in your
20 testimony.

21 One of those factors that you used to determine
22 whether a project was inappropriately sited was whether it was
23 within 2 miles of the Appalachian Trail; is that correct?

24 A. Yes.

25 Q. Are you familiar with the testimony that I provided in my

1 prefiled that showed that none of the turbines on Black Nubble
2 are within 2 miles of the Appalachian Trail?

3 A. Yes.

4 Q. And that testimony also showed that all 12 of the
5 Redington turbines at their nearest location are within 2 miles
6 of the Appalachian Trail?

7 A. Yes.

8 Q. Your testimony refers to Redington Mountain 36 times and
9 mentions Black Nubble only once.

10 Just for clarification, when you refer to Redington
11 Mountain in your testimony, is it fair to say that you're
12 referring to Redington Mountain and not this Redington Wind
13 Farm project?

14 A. Yes.

15 Q. Let me just -- some of the statements in your testimony
16 include the following. I just want you to affirm what you
17 said.

18 Redington Mountain is located in a harvest but
19 unfragmented roadless area?

20 A. Yes.

21 Q. Redington is one of the most valuable environmental
22 resources?

23 A. Yes.

24 Q. Redington is a truly spectacular place?

25 A. Yes.

1 Q. Redington Mountain possesses some of the highest values of
2 the viewing mountains in the LURC jurisdiction?

3 A. Yes.

4 Q. Near the end of your testimony you state on Page 23,
5 Redington Mountain is clearly not the best available site for
6 this type of development.

7 I assume that you are very specific here in stating
8 this is Redington Mountain is not the best available site, and
9 that does not include Black Nubble.

10 A. That's correct.

11 Q. Is it fair to conclude from this testimony that AMC is
12 much more concerned about the 12 turbines that are proposed for
13 Redington than it is about the 18 turbines proposed for
14 Black Nubble?

15 A. That's a good statement, yes.

16 Q. Are you familiar with NRCM's proposal that the project
17 be --

18 A. Yes.

19 Q. -- a rescale.

20 A. Yes.

21 Q. From your testimony, is it fair to conclude that a
22 Black Nubble-only project would have significantly reduced
23 environmental and visual impacts?

24 A. I think it would have a significant reduce in
25 environmental impacts.

1 I'm not convinced it will have visual impacts.

2 MR. DIDISHEIM: That concludes my testimony.

3 PARTICIPANT: My questions will be addressed to only
4 Mr. Publicover, so I have nothing for Mr. Horn.

5 EXAMINATION

6 Q. What I would like to ask Mr. Publicover about is AMC's
7 wind power site analysis since it is largely the basis for
8 insertion since Redington is not the best available sites?

9 Mr. Publicover, your analysis started with 268 sites;
10 is that correct?

11 A. Yes.

12 Q. As I understand your analysis -- or if I do understand it
13 correctly -- by including in the factors that you included to
14 determine whether a site was potentially viable were five
15 natural resource factors: Elevation, roadless areas, proximity
16 to the Appalachian Trail, Bicknell's Thrush and the major
17 conservancy priority areas and the potential wind resource at
18 the site.

19 Is that a fair characterization of your analysis?

20 A. Those are the ones that I included in this analysis but
21 this is a preliminary, like I said, first cut analysis.

22 Q. That's what I'm trying to understand, what was in, what
23 was not.

24 Your analysis didn't consider energy market factors,
25 what water control regions the site might be in, what

1 transmission capacity would be available; is that correct?

2 A. That's correct.

3 Q. You didn't talk with landowners to determine their
4 willingness to sell leased lands for wind development; is that
5 correct?

6 A. That's correct, but the greatest -- or the largest
7 concentration of the sites is on Plum Creek land, which has
8 conservation willingness to lease one side for wind power.

9 Q. About 75 percent of these sites were not on Plum Creek
10 land; is that correct?

11 A. That's correct.

12 Q. The analysis did review site terrain to determine
13 suitability for wind facilities; is that correct?

14 A. That's correct.

15 Q. You didn't consider site orientation to the wind; is that
16 correct?

17 A. That's correct.

18 Q. Your analysis didn't review these sites' proximity to
19 transmission lines; is that accurate?

20 A. I didn't include that as a criteria but I did mention that
21 in my testimony.

22 Q. Right. Okay. So your analysis was much more thorough in
23 its review of natural resource factors than in reviewing energy
24 factors?

25 A. That's fair.

1 Q. Isn't it reasonable to think that since you went from 268
2 sites to 75 sites, by only screening for the wind resource and
3 these five natural resource factors, that when you factor a
4 wind developer, would consider factored in -- you could go from
5 75 alternatives to zero, 1?

6 A. There's only one feasible site in Maine, and we're wasting
7 our time talking about wind power.

8 Q. So one significant wind power facility in Maine is a waste
9 of time?

10 A. At this site I believe it is.

11 Q. So your testimony is that 90 megawatts of renewable power
12 added to Maine is a waste?

13 A. I'm not saying it's a waste. I'm saying the balance, it's
14 not worth the impact.

15 PARTICIPANT: Thank you for your time.

16 THE CHAIR: Thank you very much. You're all done.

17 The next person -- the next intervenor is
18 TransCanada. My understanding is that they don't have any
19 testimony but we obviously have to allow their witness to be
20 cross-examined if anybody wishes to do that.

21 PARTICIPANT: Yes.

22 THE CHAIR: Is that the correct understanding?

23 PARTICIPANT: Yes, we have prefiled testimony but in
24 lieu of summarizing that testimony, the two witnesses are
25 available for cross in the event.

1 THE CHAIR: My list indicates that a number of people
2 wanted to cross-examine.

3 MS. JACOBSON: We had some time, Mr. Chair, we do not
4 wish to cross.

5 THE CHAIR: Thank you. Mr. Thaler.

6 MR THALER: Just give me a moment to check.

7 THE CHAIR: Let's get started again.

8 I have got -- if I'm correct, at this point your
9 folks are off the hook. If anyone wants to ask some questions,
10 I don't know if that's an insult or a complement.

11 MS. JACOBSON: You may recall, that was our request
12 initially.

13 THE CHAIR: Thank you for conceding your time. We
14 appreciate it.

15 He told me he didn't have any questions.

16 With that, that leads us to the direct testimony of
17 the Friends of the Western Maine Mountains.

18 I'm sorry, I'm reading the wrong thing. We'll get to
19 you eventually.

20 MR. MORGAN: Good afternoon. My name is Eric Morgan,
21 and I am speaking on behalf of this consolidated group No. 2,
22 the intervenors in support of this project.

23 There are four organizations among us, and we've each
24 submitted individual prefiled testimony.

25 In the service of time, we have prepared a

1 consolidated statement, a summary, that I will read just to
2 make sure that I get it correct and that we can use this time
3 efficiently.

4 So I would begin for thanks to all of you on the
5 Commission for the opportunity to attend this hearing and to
6 voice our opinions and for your patience in allowing this
7 lengthy opportunity for everyone in here to voice their
8 opinions, as well.

9 I'm speaking on behalf of the Independent Energy
10 Producers of Maine, the Maine Energy Investment Corporation,
11 Maine Interfaith Power and Light, Incorporated, and Ed Holt and
12 Associates, Incorporated.

13 I would like to summarize our positions as proponents
14 of the proposed Redington Wind Farm and our desire for the
15 Commission to grant approval of Maine Mountain Power's
16 application to rezone approximately 1,000 acres of Redington
17 Township to a planned development subdistrict for a 30-turbine
18 wind farm.

19 As proponents of the Redington Wind Farm, we
20 represent many of Maine's electricity consumers, businesses and
21 residents, who possess a deep concern for Maine's
22 environmental, economic, and energy future. We are comprised
23 of three nonprofit organizations and one consulting firm
24 engaged in work to ensure a clean energy future for Maine.

25 Maine Interfaith Power and Light is a licensed

1 electricity aggregator that works to protect the natural growth
2 and climate change by bringing Maine people, faith communities
3 and organizations together with suppliers to purchase clean
4 renewable electricity from wind, hydro, and solar.

5 They have served nearly 4,000 consumers since their
6 inception in 2000. They currently represent over 2,000
7 electricity customers across Maine, including several hundred
8 in this area.

9 The Maine Energy Investment Corporation operates with
10 a mission to mainstream renewable energy, making cleaner,
11 healthier and home-grown fuel and electricity available to
12 Maine.

13 We manage a variety of projects promoting
14 technologies, like solar, bio fuels, hydrogen and clean
15 electricity.

16 The Independent Energy Producers of Maine is an
17 association of renewable power producers, suppliers of goods
18 and services to those producers, and other supporters of this
19 industry.

20 It is comprised of members who generate electricity
21 in a sustainable manner from hydro, biomass, wind, and waste
22 energy facilities.

23 These three nonprofit organizations are joined by Ed
24 Holt & Associates, Inc., a 10-year-old Maine-based firm that
25 consults nationally on renewable energy policies, renewable

1 energy markets, with environmental and regulatory policy
2 organizations, electric utilities, and non utility marketers,
3 and public sector institutions.

4 Collectively, we contend there is substantial
5 evidence that the proposed land use district satisfies a
6 demonstrated need for the Redington project from the standpoint
7 of energy needs, consumer demand, economic need, environmental
8 benefits, and the protection of public health.

9 I'm next going to run very briefly through our key
10 points in each of these areas.

11 First, energy needs. To satisfy public goals of
12 cleaner air, reduced global warming, increased resource
13 diversity, more secure energy supply, and greater price
14 stability, the demand for renewable power is unprecedented. As
15 a consequence, the energy policies of Maine, New England, and
16 the Federal government are clear that new renewable
17 electricity, including wind, is needed.

18 State policies encourage wind development. These
19 notably include a recently enacted law, an act to enhance
20 Maine's energy independence and security, which sets a goal of
21 increasing by 10 percent new renewable electricity by 2017.

22 In practical terms, this means that Maine will need
23 350 to 500 megawatts, and perhaps more, of renewable power over
24 the next ten years. The policy makers who wrote this law
25 expect wind power to fulfill a large percentage of this goal.

1 Furthermore, Maine's resource portfolio standard, and
2 other provisions of the 1997 Restructuring Act, further
3 established the need for renewable electricity capacity from
4 wind and other renewables. It's also significant that the LURC
5 Comprehensive Land Use Plans call for energy diversification,
6 self-sufficiency, and the use of indigenous renewable resources
7 consistent with these and other State policies.

8 Regional and Federal policies also call for new wind
9 power. In addition to the new Maine law, regional demand for
10 renewable energy can be seen in the renewable portfolio
11 standards of other New England states, notably, Massachusetts,
12 Rhode Island, and Connecticut, yet these states lack sufficient
13 new renewable capacity within their borders, leaving them to
14 look to the regional power pool that they share with Maine to
15 meet their needs and in particular to Maine where the wind
16 resource is more than that in New Hampshire, Massachusetts,
17 Rhode Island, and Connecticut combined.

18 At the national level, Federal policy has supported
19 tax incentives for wind development since the Energy Policy Act
20 of 1992, and the advanced energy initiatives announced by
21 President Bush in February targets wind power to meet
22 20 percent of the nation's electricity demand.

23 Beyond the policy realm, the Independent Energy
24 Producers of Maine assert that due to the configuration of
25 Maine's electricity grid, our state needs wind projects in both

1 Maine's northern and southern electrical areas to provide the
2 resources and benefits throughout the state.

3 Because parts of northern and eastern Maine are only
4 electrically connected to the rest of Maine through
5 New Brunswick, the state will need wind power on both sides of
6 this divide in order to take full advantage of this resource.

7 IEPM challenges assertions by opponents of the
8 Redington project that Maine can develop substantial wind power
9 on mountain ridgeline sites. Such claims are based on
10 unverified assumptions.

11 IEPM maintains that there are a very limited number
12 of sites in Maine suitable for wind power and that finding a
13 reasonably available alternative superior to Redington is very
14 unlikely.

15 Second, I'm going to talk a little bit about consumer
16 demand. Maine consumers want clean electricity. Since 2003,
17 Maine Interfaith Power and Light's efforts to market renewable
18 electricity has resulted in nearly 4,000 counts in Maine,
19 representing approximately 50 million kilowatt hours of power
20 consumed.

21 Furthermore, Maine Energy Investment Corporation and
22 Maine Interfaith Power and Light contend that a Maine-made new
23 wind product will have significant customer appeal.

24 Previous experience with a product known as First
25 Wind of Maine, a renewable energy certificate product generated

1 from a turbine in Orland, Maine, showed the significant premium
2 many Maine customers are willing to pay for a Maine-made new
3 wind electricity product.

4 According to a 2005 survey, nearly half of Mainers --
5 47 percent -- are aware that they can purchase electricity
6 produced by renewable resources. This awareness, combined with
7 growing concern about spiraling energy costs and the
8 consequences of dirty power from fossil fuels, leads us to
9 believe that demand for renewable energy, and wind power in
10 particular, will only grow in Maine.

11 The advent of new wind generation of the Redington
12 project will create the possibility of new green power products
13 with attributes that are attractive to Maine customers. The
14 in-state location of the facility allows for the sale of wind
15 generation as a green supply product, meaning that it can be
16 paid for through your existing electricity bill, an option that
17 many customers like.

18 As a new wind facility, output from the project will
19 be eligible for use in Green E project certification and
20 branding efforts. Renewable energy credits from this facility
21 will also have value customers who seek to participate in
22 national green power recognition programs, like EPA's Green
23 Power Partnership.

24 The Redington Wind Farm will generate enough
25 electricity each year to power the equivalent of 40,000 Maine

1 homes. The cost of producing electricity from wind has dropped
2 dramatically in the last ten years and is now competitive with
3 other sources of energy, going from .38 per kilowatt hour in
4 the early '80s to .07 or .08 today. As a result, Redington is
5 poised to affordably serve a growing demand among Maine
6 consumers.

7 Recent experiences of two US utilities offering wind
8 power give us some examples of what might happen.

9 In 2005, rising natural gas prices pulled
10 conventional electricity costs above those of wind-generated
11 electricity in Texas. This crossing of the cost lines created
12 an overwhelming demand for wind power, which in turn forced
13 Austin Energy to hold a raffle for the remaining lower wind
14 supply. People wanted that product.

15 Excel Energy is Colorado's largest electricity
16 supplier, and it has 33,000 wind resource customers as their
17 green power project. Until late 2005, these customers were
18 paying more each month for their electricity than those using
19 conventional sources from natural gas and coal. However, in
20 2006 they are now paying slightly less as the cost of the
21 conventional supply has gone up.

22 To meet the fast growing demand, Excel is currently
23 soliciting proposals from wind developers for up to 775
24 megawatts of new wind power generation. That's enough to
25 supply 232,000 Colorado homes with electricity.

1 This level of customer demand is also borne out in
2 Maine. This has been demonstrated by Maine Interfaith Power
3 and Light's marketing success, and it's described by Maine
4 Energy Investment Corporation, in our testimony.

5 Through MEIC's three years of green power market
6 development work, we'll attest that Maine customers are
7 literally waiting in line to take advantage of the long-term
8 fixed price contracts that will result from the proposed
9 project.

10 The project's power wholesaler, Constellation New
11 Energy, also confirms in their testimony that all of the output
12 from this facility will be sold in Maine under these highly
13 desirable long-term contracts.

14 The economic benefit to Maine institutions,
15 businesses, and non profits is that they can hold their energy
16 bills nearly flat for ten years while their competitors remain
17 on fossil fuel for electricity. It is important to understand
18 that.

19 Next we talk about economic need. Wind is free.
20 When weighing demonstrated need, it should be pointed out that
21 natural gas, which accounts for 60 percent of the electricity
22 generated in Maine, thus far, it is true that the capital cost
23 of wind is higher than that of two natural gas facilities, but
24 the free wind allows for stable and renewable electricity
25 prices.

1 Maine's heavy reliance on natural gas, combined with
2 unstable prices and potentially unstable LNG imports, subject
3 that fuel to price fights and supply interruptions. This in
4 turn drives up the consumer energy process and could undermine
5 Maine's economy.

6 In a more immediate sense, the effect of the
7 Redington project on permanent jobs will be modest. The claim
8 by the Applicant is consistent with the direct jobs created by
9 other wind projects.

10 Moreover, independent studies and the effect of wind
11 projects on nearby property values show that the values of
12 properties in the view shed, actual wind projects, has not
13 fallen, and all this has been spelled out in direct testimony
14 of Ed Holt.

15 Concerns about the impact of wind projects on tourism
16 are not based on any hard evidence that we've been able to
17 discover. Contrary, in our testimony we present evidence that
18 the impact of wind development on tourism may be mutual and
19 positive.

20 Next the environmental benefits. Obviously a lot of
21 this has been said, so I'm going to move quickly through this.

22 Beyond the energy cost savings and the supply
23 benefits the Redington Wind Farm will bring to Maine, the
24 project is urgently needed in light of all we've heard about
25 with global warming.

1 New findings unveiled in 2005 declare that the world
2 is about ten years, or about 2 degrees Centigrade, away from
3 irreversible climate change. That is a temperature rise beyond
4 which we would be irretrievably committed to fairly disastrous
5 changes.

6 These changes could include widespread agricultural
7 failure, water shortages, major droughts, increased disease,
8 the death of forests, a lot of what we've heard here over the
9 last several days, including the migration of species and the
10 compete destruction of many of the fragile areas on these
11 mountains.

12 Scientists calculate that the point of no return will
13 arrive when concentrations of atmospheric carbon dioxide reach
14 400 parts per million. We're now 379 parts per million and
15 that's counting. That's a level of atmospheric carbon dioxide
16 this planet has not experienced in 420,000 years.

17 The single largest environmental benefit of the
18 Redington Wind Farm will be the substantial amounts of carbon
19 dioxide and other greenhouse gases that will be avoided. We've
20 heard testimony about the signs of that contribution.

21 While we are well aware of the opponents' concerns
22 about the impacts of the wind farm on the surrounding wildlife,
23 including Bicknell Thrush, after carefully considering those
24 concerns and weighing them against the direct and indirect
25 impacts of climate change, Maine Interfaith Power and Light, in

1 particular, contends that the wind farm is in the best interest
2 of all wildlife.

3 Consider the US-EPA's findings that higher
4 temperatures resulting from a climate change can directly alter
5 a bird's life cycle and may impair the extent to which that
6 cycle is synchronized. While birds can adjust to warmer
7 temperatures by flying to more northern areas, the vegetation
8 on which they depend or the insects that they eat may take
9 decades or longer to adjust.

10 In addition to climate change, another threat to
11 Bicknell Thrush that's also been cited here is acid rainfall,
12 which in part occurs when sulfur dioxide and nitrogen oxides
13 from fossil fuel plants are emitted into the atmosphere.
14 Bicknell's Thrush habitat, including balsam firs and red spruce
15 stands, are in general decline, also in part related to acid
16 rainfall.

17 Atmospheric deposits and heavy metals is also
18 implicated in the decline of high-elevation forests.

19 Furthermore, mercury, a toxic metal, emitted by coal
20 burning electricity generators bio-accumulates in humans and
21 species. According to the Bio Diversity Research Institute's
22 work with Bicknell Thrush using populations from 20 sites from
23 Vermont to the Gaspê peninsula, thrushes in western Maine show
24 some of the highest blood concentrations of mercury. Moreover,
25 Maine has a very high rate of mercury contamination with 89

1 percent of the fish samples collected in the 2004 study by
2 US-EPA showing mercury levels higher than the level considered
3 safe.

4 All energy projects have environmental impacts.
5 Nonetheless, we believe that the benefits of the proposed
6 project substantially outweigh its impacts.

7 Our concern, actually, is that the specific impacts
8 of building the proposed project may be considered without
9 consideration of the impacts of not building the project,
10 namely, the environmental impacts, which are less tangible,
11 harder to attribute, more distant in the future, and therefore
12 easier to ignore.

13 If the Redington Wind Farm is not completed, the
14 electricity it would have generated will likely be provided by
15 a fossil fuel-fired plant.

16 All energy generation creates an environmental
17 footprint, but as long as Maine residents use energy, we must
18 make choices about which environmental impacts we will accept,
19 whether we make those choices consciously or not.

20 Finally, protection of public health. The Redington
21 Wind Farm will advance LURC's Comprehensive Land Use Plan's
22 goal to protect and enhance the quality of air resources
23 throughout the jurisdiction, as others have asserted and Maine
24 Energy Investment Corporation does in its testimony. Asthma,
25 chronic lung disease, you heard that from the Lung Association

1 up here as well.

2 In conclusion, we contend that there is substantial
3 evidence in support of the proposed land use rezoning action.
4 We submit that the project does satisfy strongly demonstrated
5 needs from the standpoint of energy supply, consumer demand,
6 economic need, environmental benefit, and the protection of
7 public health as further supported in all of our separate
8 prefiled testimony.

9 Energy demand shows no sign of subsiding in Maine or
10 elsewhere. To meet that growing need with power-generated
11 fossil fuels, which are both increasingly expensive and which
12 have deleterious effects on the environment when combusted, is
13 not only poor policy but is inconsistent with policy already
14 set in place.

15 It may be helpful to bear in mind that turbine
16 visibility is not a bad way to remind us of the consequences of
17 our energy use. We should now allow ourselves to be lulled
18 into a false sense of no adverse impact from other less visible
19 or more distant power generators, most of which are fossil fuel
20 generators located out of sight and seemingly out of mind.

21 It is difficult to associate the health risks, the
22 environmental damages, changes to wildlife habitat to any one
23 of those fossil fuel plants if clearly their cumulative impact
24 has been significant.

25 Maine deserves better. The Redington Wind Farm

1 promises to be an important step on the path to energy
2 independence, prudent energy planning, and the protection of
3 the environment we all cherish.

4 Thank you for your time. We are now ready to take
5 your questions and comments.

6 THE CHAIR: Perhaps the cross-examiners, according to
7 my schedule, the Applicant had wished to question all of them.

8 Is that still true?

9 MR. THALER: Very quickly.

10 THE CHAIR: You have 15 minutes according to my
11 schedule, so you may proceed.

12 MS. TRACEY: My name is Sarah Tracey. I represent
13 Maine Mountain Power. I have a couple of questions for Mr. Ed
14 Holt.

15 EXAMINATION

16 (Of Mr. Holt)

17 BY MS. TRACEY:

18 Q. Mr. Holt, I notice that you're a consultant. Are you
19 getting paid for your time here today?

20 A. Unfortunately, no.

21 Q. Do you have any clients that have interest in this project
22 and that's the basis of your presence here?

23 A. No, I do not.

24 Q. Why are you here today?

25 A. My consulting practice really goes across the country

1 observing markets, observing policy decisions being made by
2 States, trying to advise States on public policy and advocates
3 on public policy.

4 It's kind of an arm chair position in which I rarely
5 take a position in an individual project, but this project is
6 an important one in my own backyard, and I just didn't feel
7 that I should sit on the side lines and convince my friends and
8 my neighbors without directly getting involved and seriously
9 participating.

10 Q. Thank you. We heard a lot of public comment about the
11 effect of the wind farm on property values, and one of the
12 Commissioners attempted to elicit a little bit more information
13 from Miss Hagerstrom, the Franklin Development Corporation, and
14 it was a little out of her experiential range, but you have
15 done some analysis of the effect of the wind farms on property
16 values.

17 I have a couple of them here. I'm not intending to
18 pass them out. I'm sure the Commissioners are sick of paper at
19 this point. I looked through them, and they're a little bit
20 complicated.

21 Do you have any experience reading reports, consumer
22 surveys, such as this?

23 A. My experience in economic impact analysis actually goes
24 back to my first job out of graduate school when I began my
25 career in the energy field where I was tasked with analyzing

1 the economic impacts and job impacts of decisions being
2 proposed in the Pacific northwest to invest or not invest in
3 various energy alternatives.

4 The property value issues that you raise, which I
5 testified to, are not my own studies. They are -- I reported
6 on the two most comprehensive studies that I'm aware of.
7 There's a lot of anecdotal evidence, as people testified, that
8 they're concerned about property values, but the evidence from
9 these two studies, which are independent, one, they're both
10 done nationally. They've looked at places where a wind project
11 had been proposed and looked at the before and after values
12 compared to specifically looking at those in the view shed wind
13 project and compared to communities who didn't have wind
14 projects.

15 These studies did not find any adverse impact on
16 property values. I think I maybe didn't answer your question
17 directly.

18 Q. That's okay. I just wanted to establish that you have
19 experience looking at studies and analyzing them; is that
20 correct?

21 A. Extensive. I've been doing that for 30 years.

22 Q. And I wanted to refer you to one of the studies you
23 testified about, the Kittitas --

24 A. Kittitas.

25 Q. -- the Washington State study. They interviewed -- or

1 they surveyed tax assessors?

2 Why did they survey tax assessors?

3 A. Well, primarily they were concerned that if they surveyed,
4 say, for example, real estate agents, that there would be a
5 bias either in terms of their own perception or their own fear
6 or their own anecdotal experience.

7 And if they talked to tax assessors, they could see
8 based on actual property value what was happening after -- both
9 before and after the wind turbine project had been installed.

10 Q. What did those tax assessors find in the Washington State
11 studies as to the effects of wind power on property values in
12 the area?

13 A. They found no impact.

14 Q. We also -- I wanted to refer you to some of the -- I'm not
15 going to restate all the testimony on tourism, but we had an
16 earlier discussion on the Beacon Hill Study, and I believe
17 Mr. Kaplan, of CLF, spoke a little bit about that. Mr. Trafton
18 actually brought it up initially in his questioning of
19 Miss Hagerstrom.

20 I'm not sure that it came out, but you testified
21 about the fact that the summary did not report this one
22 aspect -- the appendix revealed that 94 percent of the people
23 surveyed regarding the effect of wind mills on Cape Cod
24 answered that it would not change the frequency of their visits
25 to Cape Cod; is that correct?

1 A. Yes; what I found interesting about that study was that --
2 at least when I do a study reporting results, I try to report
3 them comprehensively in a balanced way.

4 The study itself found that a small percentage of
5 people said that they would shorten a visit to Cape Cod -- I
6 think it was 3.2 percent or something like that; another 1.8 or
7 said they wouldn't visit Cape Cod; 94 or 95 percent said it
8 would have no effect.

9 The study reported the small percentage that said
10 that their visits to Cape Cod would be effected and then used
11 that to base their statements about the lost revenues, which
12 based on that calculation is fair enough, but the study should
13 report the overwhelming result that 94, 95 percent of those who
14 were interviewed said it would have no impact.

15 Q. Maybe just to repeat the obvious. In your review of the
16 material regarding tourism and the effect wind generation
17 facilities on tourism, what was your general finding?

18 A. Well, the general finding was that we really don't have
19 comprehensive studies before and after to show whether or
20 not -- to prove in any significant way that there is an impact
21 one way or the other. We just don't -- there's not enough
22 research that's been done.

23 I try to avoid anecdotes and opinions stated by
24 individuals and just look at research that has been done,
25 mostly attitudinal surveys, those that are documented and are

1 done in large enough numbers to be of some meaning. And
2 generally I would say that the result was that, as I stated in
3 my testimony, either neutral or slightly positive.

4 MS. TRACEY: Thank you, Mr. Holt. I have no further
5 questions.

6 MR. THALER: Just briefly, I guess I'll start first
7 with Eric.

8 EXAMINATION

9 (Of Ms. Morgan)

10 BY MR. THALER:

11 Q. Yesterday -- I think it was yesterday, it's hard to
12 remember -- Commissioners were asked -- or Commissioners asked
13 why anybody would want to buy RECs, what's the benefit that you
14 get by doing so.

15 Can you briefly and in somewhat layperson terms
16 explain that?

17 A. I can try. There's no questions that RECs are a
18 complicated concept, but I think Bruce McLeish yesterday said
19 yesterday, they are a tool for matching the environmental
20 benefit from renewables with the energy, the electrons that go
21 along with those.

22 Why would people want to buy a green power product
23 made up of RECs? There really are a lot of reasons, but they
24 all go back to the fact that broadly speaking, people are
25 becoming aware that global warming is real, it's serious, and

1 it's compelling many of them to take action to address their
2 role in causing global warming to mitigate their fossil fuel
3 use, their over consumption of energy.

4 There are a lot of different ways you can do it. But
5 largely it gets back to willingness to take responsibility for
6 their piece of the global warming impacts. Increasingly, both
7 in the state and nationally, there are efforts underway to
8 encourage that kind of behavior.

9 Here in Maine we have the Governor's Carbon
10 Challenge, which is a statewide effort for businesses,
11 institutions, and nonprofits -- now even homeowners -- who are
12 willing to take responsibility for their own global warming
13 impact, sign up, and say, I'm going to do it.

14 Energy efficiency and buying clean electricity are
15 very simple ways that those entities -- everyone from the
16 household level to our largest employers in Maine -- can take
17 responsibility for their own global warming impact.

18 And then if they do, they're recognized, in that
19 case, by the Governor's Carbon Challenge, there are over 50
20 Maine businesses and institutions that have signed up to do
21 that.

22 There are national level activities that are similar.
23 The EPA's Green Power Partnership has been mentioned here
24 before. Nationally a very wide variety of organizations are
25 stepping up to address global warming in this way through their

1 purchases.

2 Through my efforts on behalf of the Maine Green Power
3 Connection, we are a neutral product, supplier-neutral source
4 that explains to businesses and homeowners how to do green
5 power, what the products are, how they work, how you can buy
6 them, what they cost, and then we put them in contact with any
7 of these sort of recognition programs to reward them for taking
8 those actions.

9 So there are a lot of reasons why people want to buy
10 green power and there are now a lot ways we can do so.

11 Q. Thanks.

12 One other question, Erica. In terms of the
13 businesses that you talked to in Maine -- consumers,
14 customers -- in your experience how important is it, or what
15 are you hearing in terms of the importance of being able to
16 have fixed price, long-term electrical contracts?

17 A. It's very important, and in fact I spent some time on that
18 in my testimony.

19 I have watched the green power marketplace very
20 closely since 2003 and watched how sales have grown or not.

21 Even though there are an increasing number of ways to
22 buy green power, the overwhelming barrier has been price,
23 particularly for larger buyers, larger institutional or
24 business customers.

25 The opportunity to buy from a facility like Redington

1 A. I think it's currently playing a considerable role. There
2 are two kinds of customers, really. We have those that just
3 want power and aren't really concerned about cost, but then our
4 experience at the office and responding to queries is that when
5 people learn that there's a 3- or 4-cent difference, that slows
6 them down and their desire to buy green power.

7 It's a problem partly due to the structure of the
8 standard offer. The standard offer price is currently
9 substantially lower than ours.

10 Q. I guess if you could clarify, how would a project like
11 this 90-megawatt wind power project based on what you've heard
12 impact your clients or client base or what you do?

13 A. I think that as Erica pointed out, the substantial gain
14 would be the existence of larger amount of green power
15 available and long-term, fixed price contracts over ten years
16 and that eventually the differential between us and the
17 standard offer would come down.

18 Harry, you may want to address that.

19 MR. BROWN: I think the only thing I would add to
20 that is -- I'm Harry Brown, executive director of Maine
21 Interfaith Power and Light -- is that the addition of the
22 Redington Wind Farm would create a more competitive environment
23 for residential power consumers and that would in fact bring
24 the price down.

25 I will add that the current price of our product is

1 actually competitive with current market rates and it looks --
2 well, it is in fact higher than the standard offer, it's a
3 suppressed rate. It's been fixed by the PUC over the last few
4 years.

5 But what's relevant, to those who locked into our
6 product two years ago -- myself being one of them -- were
7 actually below the standard offer rate.

8 So it is proof of demonstration that renewable energy
9 can in fact be less expensive than conventional electricity.

10 MR. THALER: I just have about two more questions and
11 then I'm done with this panel, Mr. Chairman, for Dave Wilby.

12 EXAMINATION

13 BY MR. THALER:

14 Q. David, in your experience, director of IEPN and other
15 experience, have you worked with businesses, Maine businesses,
16 with respect to purchases of power, RECs, capacity payments,
17 and things like that that the Commission has heard about in the
18 last two days?

19 A. Yes, that's something that our members are involved with
20 on a daily, weekly, and monthly basis.

21 Q. In your experience in Maine, is it generally the practice
22 for a wholesale power seller like, in this case, the Applicant
23 for this project, Maine Mountain Power, to bundle all those
24 potential savings into the power purchase agreement in the form
25 of a single price per megawatt hour?

1 A. That is very typical, yes; typical to the point where I
2 expect that it would represent the vast majority of the
3 arrangements that my members have to sell their output.

4 If I could just add, there's been a lot of discussion
5 about RECs, about capacity, about energy. Essentially these
6 PENs, those attributes -- capacity, energy, and RECs -- they're
7 just going to bundle those for one price, sell them in this
8 case to Constellation, who works with many of my other members
9 as well, and then it's up to Constellation to decide what
10 they're going to do with these pens.

11 Q. I guess my last question is, again, since I have been
12 outside much in the last two days, but -- and I think you were
13 on the road yesterday, but I think my understanding was -- at
14 least when I drove up here -- it was really hot.

15 Did New England -- did New England hit a record high
16 for electricity demand this week?

17 A. That's my understanding, yes.

18 Q. And so that would mean that in order to meet that demand,
19 there would have been some of the types of power plants
20 generating that might be creating more emissions than gas or
21 things like that?

22 A. That's a safe assumption. And also and importantly, the
23 most expensive generators of electricity in New England would
24 have been running.

25 MR. THALER: Thank you, I don't have anything

1 further, Mr. Chairman.

2 THE CHAIR: Thank you. Mr. Plouffe did you have --
3 you had indicated you wanted to question -- somebody in your
4 group wanted to question Mr. Platt.

5 MS. JACOBSON: Yes.

6 EXAMINATION

7 BY MS. JACOBSON:

8 Q. Good afternoon. I'm Hope Jacobson, I represent Maine
9 Audubon.

10 In your testimony you state in part that you support
11 the project because of its environmental benefits; is that
12 correct?

13 A. That is correct.

14 Q. What studies -- what environmental studies of Redington or
15 Black Nubble has your group done to specifically evaluate the
16 environmental impacts?

17 A. We did not do our own studies.

18 Q. Thank you. Over the past few days have you heard the
19 testimony that if this wind power project were to come on line,
20 the most likely fossil fuel burning power source to be taken
21 offline would be natural gas power plants?

22 A. I have not heard that. I was not here then.

23 Q. Well, assuming that if this power plant were to come
24 online and natural gas plants were the power source that would
25 be taken offline because the wind power plant came on line,

1 what would the reduction be in the amount of mercury overall?

2 A. I can't give you specifics on that.

3 Q. Okay, so is mercury -- is mercury created from burning
4 natural gas?

5 A. No.

6 MS. JACOBSON: Thank you. That's all I have.

7 THE CHAIR: Very good. NRCM. Are you still planning
8 to say something, Peter, or are you done?

9 MR. DIDISHEIM: I'm done.

10 THE CHAIR: Thank you.

11 Friends of the Western Maine Mountains, Mr. Trafton.

12 EXAMINATION

13 BY MR. TRAFTON:

14 Q. Thank you, I'm Dain Trafton, Friends of the Western
15 Mountains.

16 I would like to begin by questioning Mr. Holt on a
17 somewhat different subject from the ones so far being discussed
18 in this session.

19 You and many others have mentioned a recent piece of
20 legislation in Maine, LD 2041, which contains a statement that
21 it is State policy to increase new renewable capacity resources
22 by 10 percent by 2017.

23 Are you familiar with the provisions of this bill?

24 A. Yes.

25 Q. Do you view the bill as containing a mandate for State

1 agencies to approve wind plants without reference to other
2 criteria?

3 A. No.

4 Q. Does the policy that we are discussing -- namely, the
5 policy about increasing renewable energy resources -- appear in
6 a part of the bill, Part C, that is about mechanisms to ensure
7 capacity resource adequacy?

8 A. I believe that's correct.

9 Q. Does this section grant the Maine Public Utilities
10 Commission authority to employ long-term contracts as a
11 mechanism to assure capacity resource adequacy?

12 A. Yes, it does.

13 Q. According to the bill, is the Maine Public Utilities
14 Commission to give priority to renewable resources?

15 A. There's a priority list. I think renewable resources, I
16 don't remember it at all, but I think renewable resources are I
17 No. 2 and 3.

18 MR. TRAFTON: That's right. Thank you.

19 Now I'll continue with you, Mr. Holt.

20 EXAMINATION

21 BY MR. TRAFTON:

22 Q. You mentioned two studies of property price, the effects
23 of wind plants on property prices, which you thought were
24 particularly good.

25 I take it that one of them is the study Kittitas

1 County in the state of Washington; is that right? Is that one
2 that you meant to include?

3 A. Yes; but I would characterize it not a study of Kittitas
4 County but a study of US wind sites that was done as background
5 for a Kittitas Task Town proposed project.

6 Q. Proposed project. Can you tell us of the sites included
7 in that study, how many had topographical, geographical
8 characteristics which in some broad way are comparable to the
9 characteristics of this area?

10 A. I believe that none of them are mountainous, if that's
11 what you're getting at.

12 Q. That's one thing.

13 A. But on the other hand, they were all in rural areas, and
14 they all had properties in which -- which can see the wind
15 turbines from those properties.

16 Q. But none of them that you can name was in an area where
17 tourism was a primary and important industry?

18 A. I would not characterize tourism as a primary industry in
19 any of them.

20 Q. Thank you. I want to return now to the Beacon Hill study,
21 which has come up several times.

22 That study contained information on tourism, which I
23 mentioned yesterday, and we all know everyone who was there
24 knows that there was significant monetary consequences to the
25 5-percent decrease -- the potential, this was a study of

1 attitudes -- potential 5-percent decrease in tourism that the
2 study projects.

3 Now, the study also surveyed 501 homeowners and 45
4 real estate professionals.

5 Are you aware of what the results of those surveys
6 were in monetary terms?

7 A. No, I focused only on the -- there were at least two
8 studies, I think that the Knowlton Institute did, and I focused
9 only on the one that related to tourism.

10 Q. But this study that I just referred to is in that same
11 study. There was a second one which dealt with other economic
12 matters. I'm referring to the same study that deals with
13 tourism.

14 Now, yesterday it came out that support for this
15 Beacon Hill study came from opponents of the Nantucket Sound
16 wind project.

17 Do you consider that that fact about the prominence
18 of support invalidates the study?

19 A. No, I don't. I think what's much more important is the
20 way in which the study is conducted and reported.

21 Q. Thank you.

22 EXAMINATION

23 BY MR. TRAFTON:

24 Q. Mr. Brown or Mr. Platt, you mentioned that your green
25 electricity offer at the moment is more expensive than the

1 standard offer.

2 Could you tell us exactly what the price is for per
3 kilowatt hour?

4 A. [Mr. Brown] Just as a matter of procedure, we weren't on
5 the list to be cross-examined. I'd be happy to answer the
6 question.

7 We have two products, one is Maine Clean Power, the
8 other is Maine Clean Power Plus.

9 One is generated from the Maine hydro dam in Lisbon,
10 Maine. That's currently 12 cents --

11 Q. I only have a --

12 A. 12-cent per kilowatt hour. And the other product, which
13 is supplemented by renewable energy from wind, is 12.5 cents
14 per kilowatt hour.

15 MR. TRAFTON: Thank you, that's all I have.

16 THE CHAIR: Nobody else said they want to
17 cross-examine you, so I think we're done.

18 Mr. Trafton and his expert are next finally.

19 MR. TRAFTON: Thank you. I'm Dain Trafton, Friends
20 of the Western Mountains. I have two of my witnesses with me,
21 the two who were requested to be cross-examined, Ray Craemer
22 here, who is on the board of directors of Stratton Snowmobile
23 Club, Tom Newscomb is here, who is an energy expert from
24 Virginia.

25 Other members -- other witnesses on our behalf were

1 Melvin Paul Chodish, Rangeley, owners of the Mingo Springs Golf
2 Course; Mary Lou Melvin, a real estate agent from Kingfield;
3 and Bob Silvia, who is chair of the Rangeley planning board.

4 I'm going to make a very brief statement and then
5 turn the microphone over to Tom Hewson, who is the expert from
6 whom you really want to hear, need to hear.

7 First of all, Friends of the Western Mountains are
8 the group that has collected 1,887, now, 1,887 signatures on
9 the petition against this project, and I have them here and I
10 will hand them to the Commissioners at the end of this session.

11 We think the fact that we were able to collect these
12 signatures in this area -- didn't go down to Portland or Boston
13 or any other such exotic place to get our signatures -- we got
14 them right here, although some of them are visitors to the area
15 but most are residents -- we think that shows that there is a
16 lack of community support, or at least a significant degree of
17 lack of community support.

18 We think that the Applicant has not met LURC's
19 compatibility and community character criteria. Concerns about
20 destruction of mountain beauty and adverse impacts on local
21 wildlife, as well as fears that the plant will harm our
22 tourist-based economy, and the quality of life that draws
23 people to the area have been evident both in filed testimony
24 and in numerous public comments.

25 We think also that the criterion of making a

1 contribution to the local economy has been met only in prospect
2 only in a very limited way.

3 Most of the capital equipment -- most of the capital
4 investment in equipment will go to suppliers and specialized
5 contractors from outside Franklin County, and we believe that
6 local employment, permanent local employment, will be extremely
7 limited.

8 We think that the criterion of some sort of public
9 benefit to the community has not been met. The project's
10 claimed avoidance pollution benefits are undocumented,
11 overstated, and may even be non existent.

12 The Applicant wants the Commission to rezone two
13 beautiful and fragile mountaintops for a very small amount of
14 incremental power that is not needed in Maine and that will
15 adversely affect a large view shed.

16 Now I'm going to turn the microphone over to Tom.

17 MR. HEWSON: Good afternoon, I'm Tom Hewson, and the
18 principal at Energy Ventures Analysis. I've been in the energy
19 and environmental consulting business for 30 years. I've done
20 a lot of work for the US-EPA, the Department of Energy,
21 Asheville with NERC, to most of the major utility systems in
22 the United States.

23 What I was asked to do here was I was contacted by
24 the Friends of the Western Mountains to review all the claims
25 from this project and to render an opinion one way or the other

1 in terms of how robust were there.

2 As you can see, there are four different areas that I
3 developed conclusions on. One was concerned about the output
4 projects. We'll get into there is no wind document, and this
5 is highly unusual for most of the projects that I have
6 reviewed.

7 There is no demonstrated need for the project. I've
8 studied local impacts. There's been no study of what really
9 happens in this area with this project.

10 And then I would like to spend more time on the
11 highly confusing issue in this terms of what are the benefits,
12 and I have definitely a different view point than most of the
13 other witnesses that you've heard.

14 I'll only spend a very short time. Obviously in this
15 project the concern is that, as you can see in my Exhibit 1,
16 this project has a 33.6 percent capacity. That's how we
17 measure performance.

18 You will note in my Exhibit 1 I have all wind
19 projects in the east in the United States greater than 25
20 megawatts are required by law to report their output, and so we
21 can use this data as a way to judge how does this compare to
22 operating projects throughout the United States.

23 I have provided you with a list of the 86 in 2005
24 that have reported so far, and you will find that one of the
25 concerns is that 33.6 percent exceeds all of the existing

1 plants on the east coast and what they've been able to achieve.

2 So this project, if they're -- based upon their
3 claim -- would be the highest performing wind project in the
4 eastern United States.

5 So there was concern whether there was documentation
6 in order to support that finding.

7 Obviously, a wind project is totally dependent on
8 wind resources. As I said, there was no wind information that
9 was provided to you.

10 In many of the other cases, they at least provided
11 some wind. I understand they considered proprietary but one
12 wonders in terms of if they own the site and this wind --
13 studies are specific to the site, who else other than the
14 owners of the site are able to take advantage of this
15 information.

16 So there are studies. We know, we heard about them.
17 Evidently some of them were supplied to the Conservation Law
18 Foundation in order to be able to do their documentation, but
19 they didn't provide it to you.

20 So the question in terms of this data is important to
21 understand how this site, vis-a-vis, compares to other sites;
22 and yet you get to a point where it's important for you to say,
23 well, there's only going to be a limited amount of wind
24 projects that can be developed without creating transmission
25 issues. It's important to understand how this project site may

1 compare to other project sites, and the way we tend to do it is
2 first of all is looking at wind resources.

3 So all this data is not available.

4 We were concerned. As I put in my testimony, there's
5 another concern concerning this particular site. As you get
6 farther up in elevation, we get more and more icing and in
7 my -- and I apologize that I quote one of the studies and it
8 says northwestern and it's supposed to be northeastern -- what
9 happens is in the northeast we have a lot more moisture here
10 versus some of the western sites. So icing is a much bigger
11 issue here in the east than it is in the west.

12 As I understand it, subsequently one of the reasons
13 for an extension on the monitoring data was the concern about
14 mountains and icing and getting a sufficient amount of data.

15 A second about need. As far as testimony received,
16 you did hear something about imports/exports, and I would note,
17 look at the year, the year 2000. It's six years later, things
18 have changed, and so the situation has changed.

19 In 2005 you produced roughly about 250 percent more
20 power than what you consumed, so therefore you are a very large
21 exporter of power.

22 So we're not -- this project isn't necessarily -- if
23 you're just worried about Maine in isolation, this isn't
24 necessary to meet the Maine demand. We use Maine resources to
25 meet Maine demand. Maine is -- if we took 2005 and looked at

1 the demand, it would take probably about -- in our
2 projections -- probably close to 2030 before we reach about the
3 18.6 kilowatt hours in terms of the demand.

4 Maine also has renewable portfolios in which
5 30 percent of all Maine powers is supposed to come from
6 renewable sources.

7 You have one of the most aggressive standards of any
8 state in the nation; 30 is very, very high. As it turns out,
9 you exceed the standard as you are blessed with hydroelectric
10 resources, which account for a very large part of your
11 generation, and you also are blessed with a lot of biomass.

12 And the combination of biomass and hydroelectric
13 account for 41 percent of that 18.6 tarawatt hour of
14 generation. It's equivalent to about 61.7 percent of what
15 retail sales were in Maine.

16 So you have a surplus, by far the highest proportion
17 of energy coming from non hydro renewable resources of any
18 place in the entire country. You rank number 1, so you are
19 doing very well as far as renewable resources.

20 You heard a little bit about the high temperatures
21 and the high demand and the need for power. Well, you build
22 power based upon capacity, and we want to make sure that we
23 have enough capacity so that when we turn on all of our air
24 conditioners that they work.

25 The way we do that is we plan, we project how much

1 bar of demand will increase the time, and I must admit every
2 one of the protections this last year, we got it wrong. Who
3 would have ever thought that we would have had as hot, humid
4 weather as we did.

5 And so we exceeded -- we would exceed for some time.

6 However, in order to meet that, we need to have a
7 capacity that when we call up we'll come online. And the
8 problem that is true of using a variable resource is that, for
9 example, where I live, Virginia, whenever it's hot and humid,
10 there is no wind.

11 Typically wind is not very -- is lowest during the
12 summer periods, and that's when we hit our peak demands.

13 And so since we don't have a good match between when
14 we really hit those high demand periods and when the wind is
15 blowing, wind receives a very little amount of capacity credit.

16 Now, there are only three wind projects, as we've
17 heard earlier, and we take those three wind projects and we add
18 what capacity credit is New England, give those three wind
19 projects, versus their rated capacity, and it comes out to be
20 10 percent.

21 So if we say that Redington initially follows that
22 same pattern, it would say that we would only hit 9 megawatts
23 worth of credit for a 90-megawatt plant.

24 So 9 megawatts means that it's not going to void what
25 we're going to need. We're going to need to build a lot of

1 conventional power in order to meet this increasing demand if
2 this is in a weather unique climate.

3 There is a little comment -- I won't spend a lot of
4 time, it is in my testimony. There is a question concerning
5 how much of it is going to come from local, and there is the
6 issue in terms of when you spend the money in terms of economic
7 impacts, where is the money going?

8 Of course, a lot of it is for the wind turbines
9 themselves. Wind turbines, the supplier is obviously a Danish
10 firm. It has some highly specialized contractors, it is highly
11 specialized equipment, and the question is how much of that
12 will come in and out of the region.

13 There there's been no -- there's been no attempt in
14 your application to try to address that nor has there been any
15 attempt to address how does this project, as there are changes
16 in wind, if there's some transmission constraints, how does it
17 affect other places here in Franklin County.

18 What I want to spend more time on is avoided
19 emissions. This is a really big issue.

20 Obviously, as I look at avoided emission, it's
21 looking at what would the emissions be with and without a
22 project.

23 And so we need -- and obviously this is not a project
24 that exists today, this is a project that will exist in the
25 future. It's also because as we become cleaner and cleaner

1 with time, what sort of emission profiles that we have that
2 will change.

3 If you look at history in terms of the ISO
4 New England -- they've done this marginal emission report,
5 which has been used by the Applicant -- if you look at the
6 time, what's happening is what's been on margin and
7 consistently getting cleaner and cleaner.

8 So when we look at it, Redington Mountain is being
9 built not because it's a conventional power plant, because it's
10 a renewable power plant. So the question, what is it competing
11 with.

12 What we have is in trying to encourage new renewable
13 projects, is we have set aside a lot of financial incentives,
14 some of which you've heard about in terms of renewable energy
15 credits where they're worth \$54 a megawatt hour. These are big
16 bucks, you know, in order to encourage new wind resources.

17 This part, set aside, does not need to compete on an
18 economic basis with conventional sources of power. It needs to
19 compete with other qualifying resources.

20 So in that, if we look at this global piece of the
21 pie for renewable energy and say, well, if we build this
22 project and we only have a limited amount of demand that's been
23 set aside in terms of if we are providing these financial
24 resources, and there's a lot of people competing for it, what
25 we actually are doing is we may be having if we build this

1 plant, we will not build another renewable plant elsewhere in
2 New England that could also meet and qualify for those
3 renewable energy credits.

4 So it is actually, in my mind, it's a renewable
5 project -- if we look in terms of over this history, it's a
6 renewable project competing for this set aside with other
7 renewable projects.

8 So when we look at what are the emissions of another
9 renewable project, is that other renewable projects, like
10 Maine's hydro, most places in New England have renewable
11 projects, we've looked at what are the initiatives associated
12 with those projects for the same amount of output.

13 The way -- CO₂, which is the largest single component
14 of the voided emissions, biomass does make CO₂; however, the way
15 we do a counting is the thought that it does not have any
16 incremental CO₂ emissions because the belief is that the CO₂
17 that's captured by the trees is being reemitted, and there's no
18 new CO₂ being emitted, and so we have this issue of --
19 sometimes maybe it's a way one counts -- is that we have no net
20 CO₂ emissions.

21 So if you follow along that theory is that there
22 would be no difference in emissions associated with or without
23 this project, if we were competing against other renewable
24 projects.

25 However, if we look at, well, let's say because we

1 set aside this renewable portfolio standard and we have in
2 essence saying that we are going to displace fossil fuel
3 generation because we want to take this step in order to reduce
4 emission, what is this renewable portfolio standard actually
5 going to be reducing.

6 That's probably closer to what some of the studies
7 when they look at existing fossil fuel, what are they
8 displacing.

9 So when we look to do that, it requires an extremely
10 complex model. In all honesty, no one here knows that. It
11 requires knowing what the load is on each hour, what is on the
12 margin each hour, how much wind is being produced each hour.

13 Various people have taken an attempt at it, and in
14 all honesty there is significant problems with each step.

15 However, I have a way to simplify. As it turns out,
16 we have, as far as the way we regulate emissions, we have
17 what's called -- you've probably heard about casentrate.

18 What we've done is Congress has decided that we're
19 only going to hand out so many emissions, and we're going to
20 divide it up among all the different sources. Those sources
21 are free, if they don't use them, to sell them to someone else.

22 And so what happens is is you displace -- let's say
23 we displace oil. There isn't much oil displaced by wind. But
24 let's say we displaced and there's sulfur associated with it.
25 Well, then, that holder of what you have displaced now isn't

1 consuming that energy credit, that sulfur credit, and he's free
2 to sell it to somewhere else or trade it or use it somewhere
3 else in the system.

4 The same is true with nitrogen oxide. What they
5 could do, is they could take those credits that they aren't
6 using and apply it to another plant. In some cases they might
7 not put out controls if they end up with enough credits or can
8 purchase enough credits. They can therefore not do something
9 else.

10 So in the end, all these pollutants that are subject
11 to cap and trade programs, I think what happens is you can
12 displace emissions but you can't avoid emissions because people
13 always breathe.

14 The last thing is, of course, CO₂ is a big issue.
15 Right now there is now regulation, as you're probably aware,
16 dealing with CO₂, per se, here in Maine. We have goals.

17 Maine has signed on to a group, and you've probably
18 read that, called the Regional Greenhouse Gas Initiative. And
19 the intent is to establish a cap and trade program in the seven
20 signing states that will be just like the SO₂ and NOX, which
21 people will be setting aside emissions and then they'll trade
22 them. So in theory, CO₂ may become just like these others in
23 which if you displace some emissions, then they don't need to
24 buy as much or they can sell it to someone else.

25 So in the end, what I wanted to get across is even if

1 you don't -- first, if it's renewable versus renewable, there
2 is not change. If it's renewable versus fossil, all these
3 things are associated with cap and trade, there is no change.

4 So I realize it's very counterintuitive because in
5 all honestly, I've looked at a wind turbine, too, and it
6 doesn't emit; but the thing is that you have to understand how
7 you regulate it to understand really what is the implication as
8 far as avoided emissions.

9 And that's why I've come to the conclusion that in
10 the way the law is written, the way we enforce emissions, the
11 way we have power plants regulated, that in the end we may
12 displace emissions, but we will never avoid emissions.

13 It is important to you in terms of the "public need"
14 that there is going to be -- that we need this in order to
15 reduce emissions, I would suggest to you that because the way
16 law works and the way these programs work, there is no such
17 benefit.

18 Thank you very much.

19 THE CHAIR: Thank you very much.

20 MR. TRAFTON: That concludes our testimony.

21 THE CHAIR: Do we have any questions from the
22 Commission?

23 MR. HEWSON: People asked this question a lot. I'm
24 asked by State legislators all the time, I'm asked by people of
25 Congress, I'm asked by utility Commissioners, they all are

1 grappling with that same issue that you are grappling with.

2 THE CHAIR: Would you -- is it -- based on what you
3 just said, could we correctly conclude that your conclusions
4 would apply to any wind farm built anywhere?

5 MR. HEWSON: I would say anywhere in Maine, yes.

6 THE CHAIR: So your conclusions here are specific to
7 the Maine --

8 MR. HEWSON: Oh, it was also -- I mean, the rules in
9 terms of, you know, the way the programs work, some are
10 regional --

11 THE CHAIR: Right.

12 MR. HEWSON: Some are in a national; but I would say
13 yes, as a whole, the way it's set up, yes, it would be true.

14 THE CHAIR: Is it your testimony then that wind
15 farm -- wind energy is not something we should consider, or are
16 you just saying we ought to recognize for what it really is and
17 not what we'd like it to be?

18 MR. HEWSON: I want to go back to what was said.
19 Obviously Maine is only one of seven states with a CO₂ cap and
20 trade program, and we're dealing with a renewable portfolio
21 standard in Maine that we're not doing with 27 other states.

22 And so I have to go back and say, well, if I'm in
23 another state, it may be a little bit different. But on the
24 whole it is true that the vast majority is that we are not
25 going to be displacing emissions associated.

1 I apologize. Your section question. I apologize.

2 THE CHAIR: That's all right. We can maybe move
3 along.

4 Can you give me -- we hear these aspersions basically
5 like yours was a fairly serious one, I think, basically have
6 indicated that the Applicant overstated his capacity.

7 Could you give me a reason why somebody would want to
8 do that?

9 MR. HEWSON: First of all, what I was worried about
10 was that he states a very high capacity, and my concern was
11 there was no documentation to understand how he derived that
12 number, and I tried to show in my reasons why, you know, I was
13 concerned.

14 Why would one overstate capacity? One can only
15 surmise -- one reason that I have found in the past is that in
16 some cases -- maybe not this case -- is that in order to
17 attract investors, people have suggested that they would be
18 generating at a much higher capacity.

19 I was involved in a project out in Michigan. The
20 developer was saying that he would get a 35-percent capacity
21 factor, and based upon that, two of the investors decided to
22 invest. They were looking for money -- they were looking for
23 the tax credits to go along with the renewable project.

24 They came up to me and they said, well, as it turned
25 out, it's operating at an 18-percent capacity factor, maybe it

1 just hasn't hit its full potential.

2 He said, well, Tom, if I had realized it was
3 18 percent, or was at the time, I would never have invested.

4 THE CHAIR: Okay, thank you.

5 We've also heard a number of comments about the
6 turbines and the icing and so on and so forth.

7 This is kind of the same question. Why would the
8 turbine manufacturer -- do we believe that they don't know what
9 they're doing, that they would just come in blindly, take
10 responsibility for this project? I'm struggling with why we
11 seem to think they're so dumb.

12 MR. HEWSON: I'm not saying that they're dumb.

13 First of all, obviously their contract has not been
14 shared with the intervenors or I assume with the Commission.
15 I'm not sure whether they have a minimum for performance
16 schedule.

17 It may be that if there's icing and the project
18 doesn't produce, you know, during the events, they might not
19 have any liability or any risk associated with the icing
20 events.

21 As I said, icing is a concern of mine, and the reason
22 why I bring it up is I'm not sure how that issue was handled in
23 terms of deriving an output estimate.

24 So unless you have the study and the study is
25 supposed to identify, well, we have these issues that we've

1 identified. There are so many days that it's operating at
2 these very full temperatures, and as you know it's a car in the
3 cold, the oil isn't lubricating as well, and you're probably
4 maybe not able to get the same amount of output as you would
5 when the oil is more fluid or viscous.

6 THE CHAIR: I guess we can probably speculate.

7 MR. HEWSON: That was my point, that you're left to
8 make a decision on the suitability of a wind project here, and
9 you're not even given the basic information that's necessary in
10 order to understand how good or how poor a site this may be.

11 THE CHAIR: Well, I guess I'm going to stop and let
12 the intervenors start their cross.

13 MS. KURTZ: Can I ask a question?

14 THE CHAIR: I'm sorry, Rebecca.

15 MS. KURTZ: I've just been reading through my notes
16 and I'm writing a lot of notes but my brain won't suck in any
17 more information.

18 Were you saying that there's a limited number of
19 credits and so that if this project is completed, that another
20 one in Maine may not, that -- can you explain that again for
21 me.

22 MR. HEWSON: What you have is you have a renewable
23 portfolio standard, and renewable portfolio standards have --
24 we want so much of our electricity to come from these types of
25 sources. They set aside that proportion.

1 So in terms of the RECs that you've been hearing
2 about, one of the ways that we make sure that we meet our
3 renewable portfolio standard is that we give out these RECs.

4 What happens is is that the distribution company who
5 is selling the power has to have in hand the same amount of
6 RECs as, let's say, 5 percent of his retail sales have to come
7 from renewable energy sources.

8 Maine is 30 percent, he has to have based upon his
9 retail sales for that year, 30 percent of the megawatt hour
10 RECs. He has to have in hand in order to achieve the renewable
11 portfolio standard, and that's the currency that we use in
12 order to assure compliance.

13 So what I'm saying is that since we set aside this
14 portioned market, anything above and beyond that portion, once
15 we reach those limitations, will have to compete. You won't be
16 able to get some of the special -- they will no longer be
17 getting the special treatment.

18 So the thing such as what is a renewable energy
19 credit values will be very different when the economics are
20 different. So what happens is they have to come -- then they
21 would be competing with conventional sources.

22 Now, I think what you heard from the panel before, if
23 I understood correctly, is that renewable energy is more
24 expensive in terms of what they're offering for the standard
25 offer price.

1 This is very, very typical is that generally as far
2 as the national average, you have to pay roughly 2.5 cents a
3 kilowatt hour more for renewable energy than from your
4 conventional, whatever you get from the utility.

5 Part of that is, of course, to cover its higher cost.
6 Obviously, in a case like here you're talking about
7 \$150 million project that is operating at only 33.6 percent, if
8 you use their number or maybe less time. That's an awful lot
9 of money in terms of turning your cap to spread over that few
10 megawatt hours.

11 So it tends to be very expensive, and as a result we
12 tend to have, in order to promote it, we have people who are
13 willing to pay for it. So we have what we'll call the types of
14 program, voluntary program, where people can go and pay. You
15 have it here in Maine.

16 Alternatively, what we've found is that often
17 politicians believe that it doesn't create enough of a demand
18 in order to reach the types of goals that they think are
19 needed, and as result, what they do is they pass renewable
20 portfolio standards, which dictates a much higher portion of
21 the market than what they've been able to achieve voluntarily.

22 And so that probably the reason why we have so many
23 states with renewable portfolio standards has to do with the
24 fact that we didn't find enough people who were willing to pay
25 on average -- and it changes, obviously there's high class

1 states and low class states, it varies -- but roughly 2.5 cents
2 more for power from a renewable energy source.

3 THE CHAIR: Thank you.

4 Steve, have you got a question?

5 MR. SCHAEFER: I really would like just because this
6 is probably going to be the last time you hear about caps and
7 trades this afternoon.

8 Is there political action -- really, just make this a
9 short answer -- in the works that would retire sounds like caps
10 and trades to another day? Is there a political action in the
11 works that would retire caps and trades in the interest of
12 renewable energy? If you can say yes or no.

13 MR. HEWSON: First of all, as you know in a cap and
14 trade what, of course, may happen in the future, obviously the
15 Bush administration has proposed to reduce how many of those
16 little, you know, the size of the pot as part of the -- so that
17 may change.

18 As far as your second question, there are some states
19 and it's part of an incentive instead of providing money. They
20 say, for example, in Maryland we give out nitrogen oxide
21 credits that have market value associated with a perceived what
22 they might have displaced.

23 So -- but as far as the states that I'm familiar
24 with, I've only come across one state that I'm aware of that
25 does that specifically, but I'm told that what we believe is

1 going to happen more likely is that we're going to lower the
2 cap. In essence we did that in the Clean Air Interstate Rule.
3 EPA elected to say we're going to reduce the cap in these 28
4 states, and you need two allowances to cover one kind of SO₂
5 emissions.

6 THE CHAIR: Thank you. Mr. Thaler, are you ready?
7 You have 10 minutes.

8 MR. THALER: Mr. Chairman, I might mention that Bess
9 McGusty has been here all two days of the hearing as the energy
10 director and Mitch Tannenbaum from the PUC is here.

11 So if Commissioner Schaefer and others have questions
12 before we adjourn, of them, they're certainly here I understand
13 to respond to questions on this.

14 MR. HEWSON: I would note to the Commission in that
15 10-percent law that passed is supposed to be implemented by the
16 Maine Public Utilities Commission, and so if you want to get
17 definitive word, I would suggest that you ask Mitch
18 Tannenbaum --

19 THE CHAIR: The chair recognizes their attendance and
20 appreciates their support. I guess it's a question of if we
21 can get to them at a reasonable hour.

22 MR. THALER: Thank you. That would be appreciated.
23 And I will try to do my best as well.

24 I do have some questions, Mr. Hewson. As you been
25 here most of the days, the last two days, if you could just

1 answer my questions.

2 MR. HEWSON: I'll do my best.

3 EXAMINATION

4 Q. In your testimony in writing and today you said that the
5 project is overestimated production and overestimated emission
6 reductions.

7 Are you aware that the marginal emission rates that
8 the Applicant used from Maine are lower than the rates for all
9 of New England, emission rates?

10 A. Well, I think, if I understand your question correctly,
11 one was concerning output and the other was --

12 Q. I'm focusing first on emission rates.

13 A. I'm aware that the Maine emission rates and New England
14 are less than average.

15 As I said, the reason for my conclusions of
16 overstating has more to do in terms of what is it displacing
17 and the cap and trade.

18 Q. We'll get to that.

19 I know Professor High from the Conservation Law
20 Foundation and Interfaith Energy Producers of Maine used
21 New England marginal emission rates and came up with a number
22 that was slightly higher for displacement than the Applicant,
23 we used Maine rates; do you recall that?

24 A. I do indeed.

25 Q. Second, you testified to the Commission in writing and

1 today that the Applicant seems to have used a too high or
2 excessive capacity factor because you said it was higher than
3 anything else on a list that you had as an exhibit to your
4 testimony; do you recall that?

5 A. I do indeed.

6 Q. And as a matter of fact, what you didn't tell the
7 Commission today is that when you look at that list of the
8 eight facilities, two of them are 30 and 32, while the capacity
9 factor estimated for this project is 33; is that correct?

10 A. I believe it was 33.6 percent, and if I remember,
11 33.6 percent is greater than 32 and 31.

12 Q. Pretty close, aren't they?

13 A. Yes. There's also --

14 Q. Are you aware as whether the ones that are 32 and 31 are
15 using V90 turbines, 2006 models?

16 A. As I said elsewhere in my testimony, I believe that this
17 would be one of the first applications of the turbines that the
18 3 megawatt turbine, and that was, obviously, another concern
19 that I had.

20 Q. Mr. Hewson, based on your resume and some research I've
21 done, it appears that you go around the country testifying in
22 wind farm proceedings; correct?

23 A. I've been involved in a number.

24 Q. And a number of those you've testified against the project
25 on behalf of what you term public interest groups; correct?

1 A. I would say that what I've testified about were issues
2 associated with wind permitting.

3 I have not been either in support or against.

4 Q. Excuse me, but you have been testifying and retained on
5 behalf of the groups opposing a particular proposal; correct?

6 A. That's correct. Not in all cases.

7 Q. In most cases; correct?

8 A. Yes.

9 Q. In your prefiled testimony, you also said that Maine
10 Mountain Power might not pay its fair share of taxes; do you
11 recall writing that?

12 A. I do indeed.

13 Q. And you said here that for a \$100 million project, the
14 project will only be paying \$500,000; do you recall that?

15 A. If you look at my testimony specifically, it says \$130
16 million in terms of "over one-half million" and not specific
17 because there was no impact study.

18 I took one-half a million, divided by \$130 million,
19 and figured out the percentage, and compared it to what the
20 Franklin County rate was, and it was a small fraction of the
21 Franklin Country rate, and therefore suggested that I didn't
22 know what was going to be subject to property taxes or not, but
23 it appeared to me that if we took over half a million as half a
24 million, it was likely that there might be some tax abatement.

25 Q. Mr. Hewson, I don't want to cut you off, but I have

1 limited time and we all have limited energy right now.

2 Did you look at the Applicant's responses to State
3 agency requests that were filed the end of May 2006 and made
4 available to your client that indicated that the -- at that
5 time the project was estimating that if the valuation was \$100
6 million, it would be \$1 million taxes paid annually?

7 A. I don't remember that testimony. I do remember the \$130
8 million being on the application, and I remember in July of 150
9 million.

10 Q. But you didn't read the response that gave the million
11 dollar figure in writing to the Commission?

12 A. I first came across it in the testimony of Mr. Mann in
13 July.

14 Q. You also have suggested that a wind project does not
15 create any NOX or SOX emission credits; is that right?

16 A. I am saying that they don't emit NOX or SOX.

17 Q. Is it your testimony that -- let me strike that.

18 You've also testified with respect to carbon dioxide
19 that it's not a pollutant and therefore the project shouldn't
20 be given any positive support or whatever for displacing carbon
21 dioxide.

22 Is that your position?

23 A. I believe my statement was simply that carbon dioxide is
24 not rated a pollutant by the state of Maine or by US-EPA.

25 Q. Are you aware that the state of Maine and 11 other states

1 have a case pending in the US Supreme Court now taking the
2 position that carbon dioxide is in fact and should be regulated
3 as a pollutant?

4 A. I remain that as of today that Maine does not regulate CO₂
5 emissions, and once they do, they're implementing regulations
6 for the regulation process, the Greenhouse Gas Initiative. If
7 the legislature so deems, I believe that in the next few months
8 it's likely that you will adopt such legislation.

9 Q. Are you aware that Maine's already adopted legislation
10 several years ago to reduce greenhouse gas emissions?

11 A. My understanding is that there was a goal as far as --.

12 Q. Are you aware that there currently are not enough RECs to
13 meet the demands in New England?

14 A. I am aware of that, yes, in particular in Massachusetts.

15 Q. Well, and Maine as well because we're part of the NEPOOL
16 system.

17 A. I believe that -- my understanding in Maine is that given
18 the definition, as I put in my testimony, is that 41 percent of
19 the generation in Maine qualifies as renewable resource. I
20 find it very difficult to believe that Maine is not easily
21 achieving renewable portfolio standard.

22 Of course, you can ask Mitch. I'm sure he's made
23 sure that they've qualified that they make it.

24 Q. I'm sure they are, too.

25 Are you aware -- I'll just pick this up to move

1 quickly -- that in terms of what percentage of the existing
2 renewable capacity in Maine is cogeneration, which can include
3 burning black liquor, coal, and oil?

4 A. I have those numbers and unfortunately not instant recall,
5 but I know where to look them up.

6 Q. But you agree that part of the so-called renewable
7 standard would be those sources; correct?

8 A. That's the way Maine defined.

9 Q. Are you also aware that at the present time you've talked
10 about Maine being, in terms of having a surplus of power, that
11 a substantial amount of that are natural gas plants?

12 A. Yes.

13 Q. Some of them fairly sizeable, like Westbrook and Rumford
14 and a few others like that. Are you familiar with the
15 individual plants in Maine?

16 A. I have a listing. I can tell how much they're generating
17 each year.

18 Q. Right. Are you aware that one of them was just recently
19 moth balled and there's no plan to reopen it?

20 A. Off the top of my head I don't remember that.

21 Q. That's Androscoggin Energy, which is shut down.

22 If one or two others of these natural gas plants in
23 Maine were to have the same thing happen, that would have a
24 substantial adverse impact on both Maine's energy production as
25 well as economic impact on prices; wouldn't you agree?

1 A. I suspect. The reason --

2 Q. I only have a minute, Mr. Hewson. That's a general
3 question.

4 A. I was trying to answer it.

5 You mentioned Androscoggin, and I assume that
6 Androscoggin last year didn't produce much electricity at all.

7 As far as how much it would reduce the amount versus
8 what it did last year, I assume that's very small.

9 Q. Would you agree that if -- strike that.

10 The Commission has in its record statements from both
11 the Governor's office of Energy Independence and Security, as
12 well as the Maine Public Utilities Commission providing review
13 comments on this project and talking about the benefits from
14 the 90-megawatt Redington project in terms of improving the
15 reliability and decreasing insecurity of Maine's energy supply
16 as well as economic impacts because of over dependence upon
17 natural gas.

18 Have you read those filings by those two agencies?

19 A. I have not.

20 MR. THALER: I have nothing further, Mr. Chairman.

21 Thank you.

22 MR. HEWSON: Androscoggin last year produced 223,000
23 megawatt hours.

24 BY MR. THALER:

25 Q. And it was rated originally at what, 175 megawatts; is

1 that correct? 165, would you agree?

2 THE CHAIR: Bill Plouffe or his group. I'm not sure
3 who's going to do it.

4 I'm sorry, Steve, I didn't see you there. I just
5 have Bill. He's next on the list, that's all.

6 Bill's got -- he's got 5 minutes.

7 EXAMINATION

8 BY MR. PLOUFFE:

9 Q. Mr. Hewson, did you have occasion to look at the
10 Application with respect to potential transmission congestion
11 problems in this area and the effects of this plant on that, if
12 it exists?

13 A. I had the opportunity to review the Redington Mountain
14 System Impact Study that was part of this by the ISO
15 New England, particularly Central Maine Power.

16 I had an opportunity to talk to the transmission
17 people at ISO New England in trying to understand whether my
18 interpretation of the document because a system impact study is
19 not designed to address congestion directly, but it sometimes
20 indicates that there is congestion, so I talked to them.

21 So yes, I spent some time trying to understand the
22 transmission issue. I'm not probably as versed in the
23 transmission as perhaps TransCanada.

24 Q. Is the study that is part of the record here by Central
25 Maine Power, I guess on behalf of ISO New England, does it

1 provide information to you and to the Commission about the
2 ability to transmit this power from what I understand would be
3 Bigelow station to Wyman and then downstream from there?

4 A. What I learned was yes, as part of this project they were
5 going to expand the line to Bigelow and export. That would
6 address the issue south of Wyman.

7 As a result, there will be times in which in their
8 study -- or doing their evaluation -- you'll see that there's a
9 Redington on/Redington off.

10 If you look at differences, it backs out hydro. So
11 one of the things I was asking about is there a congestion
12 problem downstream of the Wyman hydro export.

13 Yes, there are conditions in which it is congested,
14 and there will be times -- according to the ISO New England
15 people I talked to -- in which we have renewable versus
16 renewable competition for times it will be congested.

17 Q. If this plant goes on line at 90 megawatts and will join
18 Stratton Energy, as I understand it, in use of the line from
19 Bigelow and then downstream; is that right?

20 A. Right. The big load of Wyman will be shared by both
21 Stratton and this project.

22 Q. If they were both operating at the same time, is there
23 going to be any capacity left on that line for other
24 significant generators?

25 A. As you will find TransCanada -- which I think was much

1 more eloquent -- has a lot more data than mine is yes, it
2 appears that there's very little casting left in that line.

3 Q. What happens if there's more generation than capacity in
4 the line?

5 MS. JACOBSON: Objection. Forgive me, but are we
6 talking about TransCanada's project, which is speculative at
7 this point?

8 MR. HEWSON: If there's congestion in the line in
9 terms of line to hydro, what happens when leaving the area is
10 that what ISO New England does is it figures out, it goes from
11 the cheapest power to the most expensive power.

12 As you could imagine, a hydroelectric facility is
13 something that we'll call a high stake. They take whatever the
14 marginal price is, as will a wind project.

15 Stratton is a biomass project, and they generally bid
16 for their portion, as I understand talking to Steve Holt of
17 Stratton, is that they have cogeneration.

18 So that portion of their generation is associated
19 with they need -- that they produce steam for their own
20 facility, and the power associated with that, they also produce
21 it, "at whatever is the price."

22 Anything above that you start then adding, well,
23 what's my marginal cost. So if there's congestion leaving
24 Wyman export and they have to cut back generation, what they'll
25 do is if Stratton -- depending upon how they bid it -- they

1 will perhaps back out Stratton would be my guess. So we would
2 end up with less biomass generation.

3 So in cases -- whatever the conditions are that lead
4 to congestion, at that point is that only renewable energy
5 that's backed up that point, and so you're limited to in
6 essence in this case renewable versus renewable energy, and
7 some energy won't be produced.

8 MR. PLOUFFE: Thank you. That's all the time I have.

9 THE CHAIR: CLF. 5 minutes.

10 EXAMINATION

11 BY MR. HINCHMAN:

12 Q. Mr. Hewson, did I understand you to say that because Maine
13 exceeds it's RPS and always has, that would you agree power
14 from this project is sold in Maine and will be no RPS credits
15 generated through the Maine RPS?

16 A. This project is a renewable portfolio. There are RECs
17 because it is a renewable energy credit facility.

18 The question is it probably qualifies in several
19 different regions. Probably would get them for Massachusetts,
20 Rhode Island.

21 Q. Right. But the point you were making is there's a limited
22 capacity under the RPS, and the only reason the project is
23 being built is because RPS credits, but Maine already meets its
24 RPS.

25 So there's no competition for Maine RPS credits in

1 the current market; is that correct? Yes or no.

2 A. Maine produces more renewable energy than what it has as
3 far as a renewable portfolio standard.

4 Q. Thank you. In Massachusetts are you aware that the more
5 recent report for the 2004 year there was a shortfall of
6 265,000 megawatts under their RPS program?

7 A. Yes.

8 Q. Are you aware that that was a 1.5 percent renewable
9 criteria?

10 A. Yeah, I knew it was up one-half percent.

11 Q. It's 2.5 this year, it will be 3 next year, and that they
12 will have shortfalls and predict shortfalls for '05, '06, and
13 beyond?

14 A. I do not know how long they project shortfalls.

15 Q. Are you also aware that Massachusetts is one of six states
16 that retires NOX credits under its RPS program and also for
17 energy efficiency?

18 A. As I said the, one that I testified to that I knew about
19 Maryland. I wouldn't necessarily know about Massachusetts.

20 Q. So in summary, Massachusetts had some shortfalls in its
21 RPS, it does retire NOX credits.

22 So the argument that this is renewable competing
23 against renewable, how many larger renewable projects are being
24 promoted right now through New England that are in the
25 application process and chance of being built soon? Who are we

1 really competing against?

2 A. Obviously, we're looking at the project in the near term.
3 Obviously, there are numbers that are currently being pursued.

4 How many of those get built, it's a matter of
5 speculation. Are you asking me to speculate?

6 Q. You're not aware of the actual numbers of the competition
7 of renewable against renewable?

8 A. Well, I'm aware that a number of projects are being
9 pursued in terms of both in biomass they're being pursued, in
10 terms of -- there are wind projects that are being pursued,
11 there are landfill gas projects that are being pursued.

12 Q. And even with all of those projects, Massachusetts
13 predicts ongoing shortfalls for the life of its RPS program?

14 A. I do not know that they have projected a lifelong
15 shortage.

16 Q. Would you agree that RPS portfolios -- construction of a
17 plant, that they have nothing to do with the operation of a
18 plant in terms of the way the market would back down one
19 facility as against another?

20 A. The renewable -- the renewable portfolio standard, in
21 order to achieve it, is based upon the amount of megawatt hours
22 that are being produced, and so I would disagree that that's
23 associated with construction.

24 Q. My point would be that by ensuring increased value for the
25 price of power generated that the investors can be sure of a

1 sufficient rate of return in order to build the project that
2 the RPS program does not, however, affect competition within
3 the market on the day market for generation of power.

4 So for instance, if there was 20 percent of the
5 NEPOOL generators were wind, would the RPS system have any
6 affect on how those wind generators competed on a day market
7 event fossil fuel generation? If they're already built.

8 A. If they're already built, what happens in dispatch is that
9 you use your cheapest source of power first, and then you work
10 your way up to the most expensive power.

11 Q. And you've already testified that wind would be zero. The
12 RPS has no effect on -- once it's built, it has no effect on
13 whether there's some avoided emissions or not; is that correct?

14 A. Once a renewable project is built, it will continue --
15 hopefully it will be maintained and continue to generate power,
16 and therefore it will continue to supply power in that special
17 set-aside market.

18 So yes, in terms of that special set-aside market, it
19 would be used -- it will get credit for that, as well as power
20 as a whole.

21 Q. Then your testimony as to Redington versus fossil fuel, so
22 wind versus fossil fuel, you testified that there would be zero
23 incremental avoided emissions because of the cap and trade
24 program; is that correct?

25 A. They're subject to cap and trade programs, yes. It may be

1 displaced but not avoided.

2 Q. Is there currently a cap and trade program anywhere in the
3 United States?

4 A. Yes.

5 Q. I'm sorry, a CO₂ cap and trade program in the United
6 States?

7 A. Not presently.

8 Q. Are there two proposals that have been voted?

9 A. There's actually the RGGI, it's the one in this
10 particular, the Regional Greenhouse Gas Initiative that has
11 been signed, a letter of intent.

12 Q. Did the State of Massachusetts pull out of RGGI?

13 A. It sure did.

14 Q. So if this power was sold in Massachusetts and RGGI was
15 enacted elsewhere, there would be no cap and trade effect in
16 Massachusetts?

17 A. It should be noted that Massachusetts has in essence a CO₂
18 cap state program.

19 Q. They have a limit on emissions?

20 A. Yes, as well as New Hampshire, as well as an emission
21 rate.

22 Q. Are you aware of any state that has enacted RGGI, has
23 passed the cap and trade program?

24 A. I am familiar with the State of Maryland, as far as the
25 Healthy Air Act. One of the provisions of that was to direct

1 states to join the regional gas initiatives. I would say that
2 that was probably -- might be the first ones.

3 THE CHAIR: Steve, you're almost out of time.

4 BY MR. HINCHMAN:

5 Q. The last piece is the -- you testified that neither of the
6 two models for avoided emissions are sufficient.

7 Have you modelled -- have you done the modelling, do
8 you have an alternative analysis?

9 If we have two models that predict highly similar
10 numbers, do you have an alternative analysis to offer with a
11 model?

12 A. As I said, to do it correctly would require a lot of
13 effort, and I doubt the Friends of Western Maine are going to
14 pay me to do it.

15 MR. HINCHMAN: That's all I have. Thank you.

16 THE CHAIR: Is it IEPM? Mr. Holt, 5 minutes, please.

17 MR. HOLT: Thank you, my name is Ed Holt for the
18 record.

19 My first question is to Mr. Trafton.

20 EXAMINATION

21 BY MR. HOLT:

22 Q. Your written testimony said that Maine doesn't need more
23 electric power. Maine doesn't need more renewable power; is
24 that right?

25 A. Yes.

1 Q. Would you say that Maine does need more power, that that
2 power was going to reduce the price of electricity to Maine
3 consumers?

4 A. If there were a cheaper supply of power, that would be
5 desirable.

6 Q. Are you aware that the Maine PUC's written comments on
7 this project state, "To the extent new generation is
8 constructed within Maine's borders, the benefit to Maine
9 consumers is more direct in that the result would be lower
10 prices within the Maine zone"?

11 A. I don't understand that statement. Would you explain it
12 to me how it's going to happen? It usually has to do with
13 creating price stability and that part I can understand but --

14 Q. You're taking up my 5 minutes.

15 A. I'm sorry.

16 MR. HOLT: I'll move on to Mr. Hewson.

17 EXAMINATION

18 BY MR. HOLT:

19 Q. You testified that wind development in Maine is limited to
20 104 to 208 megawatts or perhaps slightly higher.

21 How did you reach that conclusion?

22 A. If you look at my testimony, it's pretty straightforward.
23 I used a report. I would need to look it up.

24 Q. How did you -- did you base it on your report?

25 A. The report suggested, and I can quote from the report if

1 you like.

2 Q. Perhaps I can just tell you what it said and save a little
3 bit of time.

4 I believe it said that 10 to 20 percent of
5 installed -- rather, of peak demand can accommodated of wind;
6 is that correct?

7 A. That sounds correct.

8 Q. So it's a simple multiplication then, 10 to 20 percent
9 times peak demand?

10 A. That's also correct.

11 Q. Peak demand is what?

12 A. Peak demand is -- when I do the calculations -- peak
13 demand of the region. In this case, as you know, ISO
14 New England has separated all into zones and you all are part
15 of a zone.

16 Q. In fact, didn't yesterday I believe Mr. Garwood testified
17 that ISO New England operates the whole region as one
18 controlled area?

19 A. It does. It's the central Maine, Saco Valley,
20 New Hampshire.

21 Q. That's the subarea, but it's not operated as an
22 independent control area, is it?

23 A. It is tracked separately by ISO New England.

24 Q. It's tracked, but it's not operated separately?

25 A. The whole system is operated --

1 Q. And the study that you referred to by Ryan Parson, et al,
2 what does it say about what peak demand area should be applied
3 to, the 10 to 20 percent calculation?

4 A. It depends on probably versus wherever the box that you
5 draw around it.

6 Q. And the studies in which they summarize, what was the box
7 that they were drawing around?

8 A. They were using the studies -- in terms of that they were
9 evaluating studies, look it up -- they looked at several
10 different -- -

11 Q. Isn't it correct that they were studying entire control
12 areas?

13 A. I believe that they were looking at control areas.

14 Q. So the 10 percent to 20 percent calculations, simple
15 multiplication time the peak demand in the ISO New England
16 control area would be 10 to 20 percent of 7,000 megawatts;
17 isn't that correct?

18 A. If they draw the box that way. I was obviously drawing
19 the box around this particular region given that there were
20 some issues in terms of some congestion.

21 Q. But congestion is a pricing issue, not physical issue?

22 A. If you back it up. One of the reasons, of course --

23 Q. Answer the question.

24 A. As you're well aware, concerning backing up is you have a
25 variable resource and if you are backing -- you're at minimum

1 load and you're backing down, things already in the load
2 creates problems.

3 So yes, in terms of if you look at, for example,
4 testimony up in South Dakota, I was in last month, they had
5 situations in which different parts of the grid would go to
6 zero because of the issues in terms of wind.

7 Q. Ancillary services are required on purchase from the
8 control area operator; isn't that correct?

9 A. Right, and --

10 Q. Thank you. I'm complete with that question.

11 I'd like to move on to talk about capacity.

12 THE CHAIR: You have 1 minute left.

13 BY MR. HOLT:

14 Q. You testified that this project will receive only a
15 minimal capacity credit. You suggested it would be 10 percent
16 or 9 megawatts; is that right?

17 A. I said based upon -- it's currently 10 percent if I
18 applied that to this project.

19 Q. Does this capacity factor -- or credit, rather -- relate
20 to the output of the facility?

21 A. Yes, it has to do with in particular the output at high
22 load periods of time. So yes, it has a lot to do with output.

23 Q. So how would it affect the output, the calculation of
24 260,000 megawatt hours?

25 A. It isn't determined that way, as you well know. It's

1 based upon --

2 Q. You said it would affect that output number. That's what
3 I'm asking. How would it affect the output number?

4 A. It's calculated on capacity. Does it affect the output
5 number in terms of what capacity credit is given, no.

6 Q. Thank you.

7 A. I thought you were asking another question.

8 Q. Would it affect emissions calculations, the amounts of
9 emissions that would be voided?

10 A. The 10-percent capacity credit?

11 Q. Yes.

12 A. I think it affects the decision in terms of how much
13 capacity do we need to build in order to meet the reliability
14 reserve margin requirements.

15 Q. But isn't it also true that a particular number, the real
16 impact of a capacity credit is a question of how much the
17 Applicant or the project will get paid by ISO New England for
18 the capacity that it provides?

19 A. It's also a matter of how much capacity credit is towards
20 the reserve margin requirement, which is what ISO New England
21 uses in order to track whether we need new capacity, how much.

22 MR. HOLT: Thank you.

23 THE CHAIR: Thank you, Mr. Holt. I gather that you
24 folks -- I guess, Mr. Craemer, nobody had a question of him.
25 You got off pretty good.

1 Thank you very much.

2 We have one more person who was an intervenor, and he
3 has promised faithfully that he was only going to speak for a
4 minute and a half.

5 So Larry, do you want to -- I think obviously like
6 everyone else, he submitted his testimony in writing to us, we
7 have it in the record, and I assume he wants to make a couple
8 of comments.

9 MR. WARREN: The Western Mountains Foundation
10 recently completed an agreement with Maine Mountain Power.

11 THE CHAIR: Larry, you've got to swallow that mic and
12 you've got to tell Lisa your name and your affiliation, so she
13 can make sure you're on the record if you want to be there.

14 MR. WARREN: Lisa, my name is Larry Warren. I'm the
15 president of Western Mountains Foundation, a nonprofit local
16 community development organization.

17 Western Mountains Foundation recently completed an
18 agreement with Maine Mountain Power for public recreational
19 access through their project area.

20 Western Mountains Foundation is developing a hiking
21 trail system that when completed will stretch about 200 miles
22 from Moosehead Lake to the town of Bethel.

23 Maine Mountain Power has agreed to provide Western
24 Mountains Foundation permanent access across their property for
25 purposes of constructing and maintaining cross country ski and

1 hiking trail.

2 This right-of-way and easement would provide the
3 necessary access. The Western Mountains Foundation could
4 pursue its trail corridor in Carrabassett Valley in Rangeley
5 and ultimately between Rockwood and Bethel.

6 We recognize that the final design and trail location
7 will be based upon assuring a safe and enjoyable experience for
8 the traveler and not interfering with the operation of the
9 power project.

10 Western Mountains Foundation anticipates that if the
11 Maine Mountain Power project is approved, there will be many
12 trail users who will find the wind farm of considerable
13 interest.

14 Furthermore, Western Mountains Foundation appreciates
15 Maine Mountain Power's willingness to provide multiple-use
16 opportunities within it's project boundaries, and we hope that
17 the trail opportunity will provide insights into the issues
18 regarding alternative energy solutions.

19 Thank you, Mr. Chairman.

20 THE CHAIR: Thank you, Larry. Is that -- make sure
21 you give that to --

22 MR. THALER: Mr. Chair, I think I was signed up for 3
23 minutes.

24 THE CHAIR: I'm sorry, I didn't see anybody by
25 Larry's name.

EXAMINATION

1
2 BY MR. THALER:

3 Q. Mr. Warren, my name is Jeff Thaler. I'm an attorney for
4 the Applicant.

5 Given what you just said, is it safe to say that at
6 least you on behalf of your venture see that hiking and
7 recreational trails can exist harmoniously with a wind farm
8 project?

9 A. It's our belief that if this project is approved and if
10 wind power turbines become part of the Maine landscape, that we
11 and others will exist harmoniously.

12 Q. Your trail that you are planning will not just be for
13 hikers. You said also cross country skiers, snow shoers,
14 mountain bikers, people like that as well?

15 A. That's right.

16 MR. THALER: I have nothing further. Thank you.

17 THE CHAIR: Thank you. That concludes our testimony
18 of all the intervenors and I believe brings us to the
19 conclusion of this rather long affair.

20 I'm going to read -- I have a closing statement that
21 simply reiterates the details of the record, and we'll bring
22 the hearing to a close.

23 As of this point, the record is going to remain open
24 ten days until Monday, August 14th, in which you can submit
25 written statements and then there will be an additional seven

1 days until Monday, August 21st to receive written statements
2 filed in rebuttal of those filed in the first two weeks.

3 So after that, no additional evidence or testimony
4 will be allowed into the record as it will be closed.

5 Are there any questions about those dates?

6 MR. THALER: Can I just ask, Mr. Chairman, I think at
7 the prehearing conference, the question is if any of the
8 parties submit any further comments, do they have to be
9 notarized or in narrative form? What is the preference of the
10 Commission?

11 THE CHAIR: My -- erstwhile attorney has left my
12 elbow.

13 I don't recall in the past that we required these
14 submittals to be notarized.

15 The prefiled is the notarized testimony. I think
16 that -- assuming I see no objection from all the attorneys
17 setting here, that I'm on reasonably safe ground; is that true?

18 Do you have an objection?

19 MR. THALER: I don't have an objection. If
20 Mr. Pidot's abandoned you, then I'm willing to --

21 THE CHAIR: Thank you. With that being said, I want
22 to first off say that I appreciate all the effort on both the
23 Applicant and the intervenors to make this process work I
24 thought reasonably well, better than I thought it was going to
25 be, based on our prehearing conference.

1 And I especially appreciate the prefiled testimony.
2 I thought that on the whole it was well written. I did try to
3 make an effort to read it all. It's well written and well
4 presented. There were a few misspellings in there, but other
5 than that, nothing that but an English professor would enjoy.

6 So thank you very much for that effort.

7 In addition to that, I want to acknowledge the LURC
8 staff, who have been here and made this thing run, particularly
9 Melissa, who kept us on track generally. Obviously, our court
10 reporter who's been through a marathon session here. I'm not
11 sure this is typical for all these legal proceedings or not,
12 but these have been long, long days.

13 And of course, members of my Commission who have all
14 toughed it out here, so we appreciate it. I particularly
15 acknowledge the work of Marcia in putting -- she's been trying
16 to keep track of this and all of you for a long, long time. So
17 I appreciate all the effort that's been made.

18 MR. WIGHT: I'd also like to say thanks to the staff
19 of Sugarloaf USA. We put you through your paces and you did
20 well.

21 THE CHAIR: Yeah, this has probably been one of the
22 best places we have had a hearing as far as witnesses go. We
23 can hear you. I can hear you, anyway.

24 Other than that, it's a beautiful spot, of course.
25 So thank you all very much. With that, we'll declare this

1 meeting -- this hearing adjourned.

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3 (The hearing was adjourned on August 4, 2006 at 5:35 p.m.)

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CERTIFICATE

I, Lisa Fitzgerald, a Notary Public in and for the State of Maine, hereby certify that on August 2 through 4, 2006, a hearing was held by the Maine Land Use Regulation Commission regarding Zoning Petition ZP702, Maine Mountain Power, LLC, Redington Township and Wyman Township, Franklin County, Maine; and that this hearing was stenographically reported by me and later reduced to typewritten form with the aid of computer-aided transcription; and the foregoing is a full and true record of the testimony given by the witnesses.

I further certify that I am a disinterested person in the event or outcome of the above-named cause of action.

IN WITNESS WHEREOF, I subscribe my hand and affix my seal this October 18, 2006.



LISA FITZGERALD, NOTARY PUBLIC
Court Reporter

My commission expires: May 10, 2011

\$	259:19, 879:12 '70s [3] - 49:18, 590:20, 630:13 '80s [4] - 591:3, 591:18, 709:1, 822:4 '90s [5] - 398:10, 507:15, 575:3, 591:19, 608:6 '94 [2] - 398:7, 731:18 '98 [2] - 126:8, 224:12	764:15, 764:23, 814:5, 849:15, 849:18, 852:18, 871:6, 887:12 1,000 [15] - 2:10, 6:8, 155:14, 158:2, 173:17, 200:22, 253:11, 286:15, 286:16, 298:6, 442:13, 593:6, 669:18, 712:8, 816:16 1,000-acre [1] - 474:14 1,000-foot [1] - 710:2 1,000-foot- wide [2] - 614:22, 755:16 1,300 [1] - 213:18 1,472 [1] - 734:11 1,500 [1] - 293:21 1,500-foot [1] - 236:6 1,700 [1] - 734:20 1,800 [1] - 226:8 1,861 [1] - 178:10 1,887 [2] - 847:8 1,900 [2] - 184:23, 184:24 1-minute [2] - 659:4, 660:2 1-year-old [1] - 469:20 1.1 [1] - 160:13 1.2 [2] - 713:11, 713:24 1.25 [1] - 767:17 1.3 [1] - 227:2 1.5 [3] - 226:22, 352:1, 879:8 1.5-	megawatt [1] - 577:22 1.7 [2] - 231:11, 320:24 1.8 [3] - 231:11, 352:14, 833:6 1.9 [2] - 181:21, 281:9 1.95 [1] - 429:17 1/32 [1] - 658:20 1/8 [1] - 222:7 10 [67] - 19:18, 29:20, 78:16, 100:24, 101:4, 117:12, 125:19, 126:10, 138:23, 153:8, 162:23, 176:20, 183:20, 216:8, 222:3, 247:18, 264:24, 266:23, 269:2, 315:1, 319:20, 327:12, 352:12, 352:17, 353:22, 364:2, 385:24, 388:18, 432:14, 432:18, 432:25, 453:21, 469:19, 576:14, 587:18, 616:8, 617:1, 617:3, 619:22, 631:3, 633:21, 635:12, 636:3, 636:9, 636:21, 644:16, 672:21, 672:23, 675:11, 675:15, 686:19, 713:7, 715:2, 744:16, 750:5, 758:20, 818:21, 842:22, 853:20, 867:7, 885:4, 885:8, 886:3, 886:14,	886:16, 887:15, 887:17 10,000 [3] - 145:20, 477:21, 734:20 10-E [1] - 498:8 10-kilowatt [1] - 465:20 10-mile [1] - 660:13 10-percent [2] - 867:15, 888:10 10-year-old [1] - 817:24 10.3 [1] - 708:14 100 [20] - 12:24, 141:14, 180:20, 200:24, 225:4, 242:6, 256:18, 268:21, 317:23, 378:8, 411:6, 454:23, 466:14, 543:7, 567:13, 589:17, 607:7, 625:16, 713:7, 787:5 100,000 [3] - 65:18, 78:22, 746:21 102 [2] - 430:12, 585:24 103 [2] - 202:10, 542:5 104 [2] - 725:4, 884:20 105 [2] - 583:24, 584:9 106 [3] - 7:4, 159:12, 443:10 10:06 [1] - 139:17 10:19 [1] - 592:10 10:30 [1] - 154:19 10th [1] - 393:15 11 [17] - 7:10, 150:9, 159:18, 161:19, 178:10,	200:19, 222:5, 290:1, 304:19, 385:24, 456:5, 595:18, 635:12, 680:3, 769:18, 807:20, 871:25 11-A [1] - 414:10 11-A-1 [1] - 414:13 110,000 [1] - 613:8 114 [1] - 749:14 115 [9] - 6:20, 158:20, 158:24, 197:21, 205:4, 438:2, 442:25, 572:17, 572:20 115kV [3] - 290:17, 290:25, 711:14 115s [1] - 711:10 11:00 [1] - 680:10 11:01 [1] - 252:20 11:08 [1] - 252:21 11:10 [1] - 680:11 11:54 [1] - 283:12 11th [4] - 9:3, 161:18, 227:7, 716:12 12 [43] - 2:5, 2:25, 6:23, 6:24, 28:25, 88:18, 155:9, 155:23, 159:5, 159:6, 195:12, 198:20, 198:22, 207:24, 244:6, 244:12, 282:18, 304:19, 347:22, 348:3, 355:25, 356:11, 364:2, 425:12, 429:12, 429:16, 443:3,	443:4, 451:2, 456:4, 532:4, 533:12, 538:5, 548:24, 548:25, 606:22, 607:11, 723:2, 728:1, 807:19, 810:4, 811:12, 846:10 12,000 [1] - 252:15 12-cent [1] - 846:12 12-cubic- yard [1] - 724:15 12-foot [2] - 199:16, 764:4 12-month [1] - 261:9 12.5 [2] - 767:2, 846:13 12.5-mile [1] - 723:20 120 [1] - 175:2 120,000 [1] - 41:25 125 [1] - 564:1 125-meter [1] - 235:5 126 [1] - 595:19 128,000 [1] - 380:6 12:21 [1] - 723:9 12:30 [1] - 723:4 12:48 [1] - 283:13 13 [10] - 22:4, 202:24, 222:5, 324:21, 327:21, 525:22, 529:19, 567:12, 633:17, 682:4 13(3) [1] - 728:1 13-year-old [1] - 346:24 130- megawatt [1] - 744:20 134 [1] - 265:13
0	07 [1] - 822:4 08 [1] - 822:4					
1	1 [58] - 9:16, 9:17, 12:18, 13:12, 81:12, 117:12, 117:14, 117:20, 153:3, 165:15, 165:17, 166:13, 169:16, 176:6, 191:4, 194:4, 208:8, 216:9, 231:7, 232:13, 244:7, 254:9, 256:9, 294:11, 294:20, 318:11, 325:23, 345:18, 350:16, 411:7, 413:20, 414:12, 429:17, 433:6, 447:11, 469:19, 538:12, 563:11, 564:17, 589:21, 633:1, 633:17, 636:13, 636:15, 641:2, 642:21, 660:21, 661:1, 684:17, 723:3,					
!						
'05 [1] - 879:12 '06 [2] -						

<p>134,000 ^[6] - 258:20, 259:12, 336:13, 336:14, 337:1, 338:17 135 ^[1] - 744:16 136 ^[1] - 213:1 13th ^[1] - 162:3 14 ^[21] - 9:16, 9:17, 162:21, 171:20, 191:19, 197:21, 201:21, 222:4, 236:4, 323:6, 349:20, 538:7, 548:8, 569:24, 580:14, 682:4, 775:18, 805:20, 805:21 14-percent ^[1] - 715:8 1409 ^[1] - 321:19 142 ^[1] - 499:4 144,000 ^[1] - 530:25 149,000 ^[2] - 411:4, 411:7 149,381 ^[2] - 404:20, 412:4 149,875 ^[1] - 411:2 14th ^[4] - 3:25, 9:11, 162:8, 891:24 15 ^[37] - 8:20, 43:13, 44:5, 52:24, 63:20, 117:3, 124:8, 132:12, 161:10, 216:8, 233:10, 238:16, 315:1, 326:13, 344:13, 349:20, 351:23, 364:5, 364:6, 370:18, 436:19, 453:21, 482:3, 522:6, 531:13, 533:14, 591:6, 600:17, 609:8,</p>	<p>633:17, 636:21, 644:16, 666:12, 672:2, 761:15, 809:11, 829:10 15,000 ^[1] - 202:9 15-acre ^[1] - 234:9 15-mile ^[8] - 14:19, 14:24, 220:12, 221:2, 251:25, 252:4, 356:9, 660:16 15-ton ^[1] - 308:22 150 ^[6] - 29:4, 124:18, 293:20, 564:21, 571:23, 871:8 150-foot ^[2] - 105:23, 618:18 150-kV ^[1] - 342:6 1500 ^[1] - 286:16 16 ^[23] - 32:23, 35:8, 132:23, 139:15, 143:24, 153:14, 163:10, 197:14, 222:1, 222:6, 280:19, 282:6, 345:14, 350:19, 499:4, 533:19, 560:7, 606:22, 720:5, 725:25, 743:21, 743:23, 746:14 160 ^[2] - 198:14, 642:14 161 ^[1] - 178:12 165 ^[2] - 285:5, 875:1 17 ^[4] - 134:1, 440:10, 742:3 17-inch- long ^[1] - 661:23 17-</p>	<p>megabyte ^[1] - 661:5 1700s ^[1] - 446:10 175 ^[1] - 874:25 17th ^[1] - 349:18 18 ^[9] - 6:23, 62:8, 159:6, 289:1, 427:18, 443:4, 474:23, 811:13, 862:3 18-percent ^[1] - 861:25 18.6 ^[2] - 852:3, 852:13 1862 ^[1] - 500:9 1871 ^[1] - 63:4 1872 ^[1] - 596:4 1890 ^[1] - 739:3 19 ^[6] - 289:1, 290:2, 304:22, 304:24, 451:4, 731:16 1931 ^[1] - 141:9 1940s ^[1] - 496:8 1949 ^[1] - 148:4 1950 ^[1] - 49:5 1950s ^[1] - 110:12 1951 ^[1] - 735:15 1953 ^[1] - 133:22 1956 ^[1] - 735:19 1959 ^[1] - 474:24 1969 ^[1] - 94:1 1970 ^[1] - 526:6 1970s ^[7] - 45:11, 98:5, 139:3, 229:14, 519:10, 519:11, 520:19 1972 ^[4] - 459:3, 493:19, 520:22,</p>	<p>520:25 1974 ^[2] - 504:4, 529:21 1975 ^[3] - 68:8, 519:12, 755:23 1976 ^[1] - 681:8 1978 ^[2] - 488:10, 524:1 1980s ^[1] - 730:16 1983 ^[2] - 57:14, 727:17 1984 ^[1] - 612:24 1985 ^[3] - 68:14, 727:17 1987 ^[2] - 287:4, 729:20 1988 ^[2] - 148:8, 491:11 1990 ^[5] - 57:15, 57:17, 108:18, 564:14, 591:4 1990s ^[5] - 7:17, 346:14, 350:8, 350:25, 540:16 1991 ^[2] - 334:6, 406:9 1992 ^[3] - 351:11, 739:19, 819:20 1993 ^[7] - 202:24, 346:21, 351:11, 727:17, 730:17, 730:20, 737:14 1994 ^[3] - 304:25, 345:9, 345:11 1994/95 ^[1] - 241:7 1995 ^[3] - 150:1, 474:20, 525:16 1996 ^[1] - 351:19 1997 ^[3] - 351:18, 359:1, 819:2 1998 ^[8] - 164:2, 305:3, 305:9, 305:10,</p>	<p>334:7, 349:13, 574:24 1999 ^[1] - 643:15 19th ^[2] - 160:8, 500:10 1:02 ^[1] - 723:10 1st ^[3] - 315:15, 345:11, 633:1</p> <p style="text-align: center;">2</p> <p>2 ^[47] - 1:1, 13:13, 16:19, 81:14, 142:12, 154:19, 166:13, 182:21, 208:8, 232:14, 244:6, 244:12, 288:18, 288:19, 288:25, 289:1, 314:17, 321:5, 325:23, 352:13, 383:21, 383:23, 388:19, 397:16, 404:6, 411:20, 414:12, 432:8, 538:6, 541:25, 583:25, 636:9, 641:2, 642:21, 662:24, 665:16, 677:24, 705:15, 718:22, 724:22, 764:14, 809:23, 810:2, 810:5, 815:21, 825:2, 843:17 2,000 ^[5] - 65:17, 169:20, 412:5, 483:10, 817:6 2,170-mile ^[1] - 614:11 2,175 ^[1] - 502:3 2,250 ^[1] - 564:21 2,3000 ^[1] - 487:18</p>	<p>2,500 ^[4] - 146:7, 150:25, 212:25, 225:18 2,700 ^[24] - 45:12, 98:6, 150:24, 206:11, 206:20, 211:3, 213:4, 213:5, 213:8, 213:10, 230:17, 307:17, 519:13, 523:21, 561:12, 561:13, 561:16, 741:5, 741:18, 741:21, 743:8, 773:3, 807:25 2,700-foot ^[4] - 147:1, 231:1, 476:4, 650:6 2-minute ^[1] - 716:18 2.5 ^[4] - 607:5, 865:2, 866:1, 879:11 2.83 ^[1] - 231:10 2.9 ^[1] - 607:12 2/10 ^[1] - 738:23 20 ^[52] - 4:12, 60:16, 119:5, 123:4, 123:5, 127:18, 153:15, 173:4, 173:8, 174:23, 177:24, 184:7, 184:11, 184:20, 195:4, 225:6, 244:11, 268:21, 280:19, 282:6, 289:1, 322:9, 349:14, 364:1, 368:12, 368:17, 412:13, 426:5, 426:9, 451:4, 456:2, 466:9, 472:24, 500:5, 508:24, 517:23, 522:6, 546:21, 602:20, 655:17, 659:8,</p>	<p>733:21, 807:24, 819:22, 826:22, 881:4, 885:4, 885:8, 886:3, 886:14, 886:16 20-foot ^[1] - 701:4 20-meter ^[1] - 764:21 20-percent ^[1] - 451:1 20-person ^[1] - 431:5 20-year ^[2] - 184:13, 717:5 20/20 ^[1] - 659:9 200 ^[14] - 107:12, 117:8, 144:11, 176:25, 237:12, 245:12, 257:3, 559:22, 566:15, 614:10, 701:12, 734:7, 734:8, 889:21 200,000 ^[1] - 612:22 200-foot ^[4] - 257:6, 691:13, 701:1, 701:11 2000 ^[11] - 58:23, 70:2, 108:18, 231:18, 232:2, 236:15, 263:13, 742:14, 778:8, 817:6, 851:17 2000-foot ^[1] - 112:3 2001 ^[4] - 299:19, 406:10, 525:17 2002 ^[14] - 7:14, 135:11, 159:23, 263:24, 302:10, 302:14, 349:18, 457:25, 474:20, 552:15, 577:1, 580:14,</p>
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681:10, 802:4 2003 [10] - 231:20, 232:2, 261:10, 322:9, 339:11, 380:19, 400:6, 797:6, 820:16, 836:20 2004 [8] - 195:14, 302:11, 303:5, 336:25, 343:8, 380:21, 827:1, 879:5 2005 [21] - 7:23, 160:5, 160:7, 160:9, 235:7, 305:21, 330:14, 330:16, 382:9, 579:23, 751:24, 751:25, 788:9, 788:19, 821:4, 822:9, 822:17, 825:1, 849:23, 851:19, 851:25 2006 [41] - 1:1, 6:5, 6:7, 8:3, 8:5, 8:19, 74:4, 154:20, 154:22, 157:25, 160:11, 160:14, 160:17, 160:22, 161:1, 161:5, 161:9, 162:2, 162:3, 200:15, 232:3, 283:13, 355:12, 361:9, 361:10, 388:1, 389:4, 416:15, 441:18, 441:20, 442:8, 442:11, 592:11, 592:13, 778:22, 783:5, 788:19, 822:20, 869:15, 871:3, 894:3 2007 [3] - 178:14, 200:15, 806:24 201 [1] -	124:14 2010 [2] - 437:3, 589:22 2011 [2] - 435:20, 435:24 2017 [5] - 100:24, 101:5, 432:25, 818:21, 842:22 2030 [2] - 565:10, 852:2 2041 [1] - 842:20 208 [1] - 884:20 21 [5] - 289:1, 393:21, 444:22, 496:12, 606:7 21,000 [1] - 230:20 21-year [1] - 257:17 2100 [1] - 146:16 21st [6] - 4:1, 4:4, 469:21, 520:24, 541:1, 892:1 22 [5] - 289:1, 289:3, 289:16, 533:18, 573:15 22,000 [1] - 265:15 223,000 [1] - 874:22 22nd [1] - 469:22 23 [1] - 811:4 230 [3] - 412:7, 412:8, 468:7 232,000 [1] - 822:25 233 [1] - 178:11 238 [1] - 734:10 24 [6] - 221:21, 329:8, 427:4, 427:5, 540:18, 567:5 24/7 [1] - 560:11 245 [1] - 110:9 248 [1] -	705:9 25 [21] - 81:4, 178:4, 193:14, 325:4, 327:12, 327:14, 447:8, 466:9, 472:24, 518:24, 562:4, 571:9, 633:21, 670:23, 704:23, 704:24, 723:2, 733:7, 744:19, 792:21, 849:19 25,000 [1] - 507:9 25-percent [1] - 571:12 25-year [1] - 314:13 250 [2] - 764:16, 851:19 25th [3] - 9:13, 162:10, 162:12 26 [6] - 132:10, 289:12, 725:3, 767:3, 767:24, 768:5 260 [7] - 7:1, 159:9, 222:13, 265:12, 362:8, 443:7, 507:10 260,000 [4] - 361:15, 361:18, 805:5, 887:24 265,000 [2] - 361:16, 879:6 268 [2] - 812:9, 814:1 27 [23] - 29:20, 99:10, 149:19, 205:12, 213:4, 225:19, 289:15, 323:13, 328:22, 329:13, 388:1, 453:12, 499:4, 516:20, 532:5, 556:14, 563:13, 568:5, 631:7, 711:6, 860:21 270-degree [1] - 664:2	28 [4] - 71:16, 337:24, 595:17, 867:3 280 [1] - 148:25 281 [1] - 492:1 28th [2] - 8:12, 160:22 29 [5] - 577:3, 639:2, 639:5, 639:9, 643:15 295 [1] - 222:12 29th [1] - 74:3 2:39 [1] - 359:19 2:47 [1] - 359:20 2nd [3] - 9:9, 161:1, 162:2	869:18, 879:11, 890:22 3,000 [5] - 200:9, 439:12, 524:3, 732:6, 743:11 3,000-pound [2] - 131:8, 131:18 3,200 [1] - 229:19 3,300 [1] - 710:3 3,400 [2] - 327:12, 327:19 3,500 [3] - 100:16, 742:1, 743:14 3-a [1] - 662:23 3-megawatt [1] - 577:22 3.2 [3] - 226:24, 370:4, 833:6 3.3 [1] - 429:19 3.5 [2] - 565:9, 725:25 3.8 [3] - 604:2, 635:8, 635:12 3/10 [1] - 173:4 30 [72] - 2:15, 4:12, 30:11, 30:14, 33:10, 33:18, 59:18, 59:24, 72:10, 77:19, 82:19, 82:20, 99:25, 100:2, 108:13, 117:6, 132:22, 135:4, 140:19, 146:10, 147:24, 193:14, 202:7, 238:17, 260:23, 263:6, 272:22, 314:22, 315:1, 315:4, 315:5, 326:13, 376:22, 377:17, 429:11, 450:25, 453:1, 472:8, 474:16,	481:20, 500:6, 508:24, 517:11, 537:14, 537:18, 538:5, 543:7, 549:5, 577:7, 589:14, 607:1, 607:8, 616:23, 616:24, 619:22, 639:5, 658:22, 724:7, 724:12, 734:18, 743:20, 752:6, 752:10, 831:21, 848:19, 852:5, 852:8, 864:8, 864:9, 869:8 30,000 [4] - 12:19, 35:23, 125:8, 176:21 30-foot [1] - 456:8 30-foot [1] - 159:10 30-plus [1] - 566:13 30-something [1] - 278:10 30-turbine [5] - 6:12, 108:6, 158:7, 442:15, 816:17 300 [15] - 125:4, 142:4, 237:12, 241:24, 242:2, 327:20, 412:5, 451:14, 540:18, 633:15, 634:11, 732:10, 734:23, 770:13 300-foot [3] - 7:2, 245:9, 443:7 305 [2] - 758:25, 759:7 307 [4] - 7:11, 159:19, 443:16, 759:4 30s [1] - 469:3 31 [5] - 612:19,	708:19, 715:9, 869:11, 869:14 31.5 [1] - 6:20 314 [1] - 321:21 315 [9] - 319:3, 319:15, 319:16, 324:23, 675:12, 676:8, 676:10, 676:14, 676:16 31st [4] - 9:1, 161:14, 279:14, 279:16 32 [10] - 28:8, 207:23, 208:1, 227:2, 309:15, 310:1, 323:21, 869:8, 869:11, 869:14 32-foot [6] - 185:25, 198:21, 691:6, 691:7, 724:13, 743:20 32-mile [1] - 597:4 320 [1] - 744:15 33 [2] - 152:4, 869:9 33,000 [2] - 530:22, 822:16 33.6 [5] - 849:16, 849:25, 865:7, 869:10, 869:11 34 [12] - 122:15, 226:5, 226:24, 227:20, 249:23, 251:11, 329:9, 438:3, 538:10, 659:22 34-mile [3] - 603:20, 604:5, 616:18 34.5 [12] - 6:25, 158:20, 159:7, 205:3, 438:5, 442:25, 443:5, 571:25, 572:15,
--	---	---	--	--	--	---

572:21, 635:9, 711:10 34.5-mile [1] - 635:13 34.5kV [1] - 712:11 35 [11] - 57:7, 126:2, 142:1, 200:11, 262:20, 263:6, 263:7, 633:22, 634:4, 646:12, 723:14 35,387 [1] - 98:17 35-foot [2] - 646:14, 646:19 35-percent [1] - 861:20 350 [5] - 342:1, 565:16, 633:15, 634:11, 818:23 36 [3] - 37:2, 508:8, 810:8 360 [3] - 227:19, 546:18, 546:21 360-degree [1] - 251:12 365 [4] - 26:16, 26:17, 26:18, 113:3 37 [4] - 538:20, 539:19, 723:15, 764:25 379 [1] - 825:14 38 [5] - 50:15, 177:16, 378:16, 563:18, 822:3 38.6 [2] - 605:23, 605:25 390 [1] - 596.4 3:30 [1] - 385:20 3D [1] - 608:24	4	4.5 [1] - 236:5 4.6 [1] - 606:25 4.8 [1] - 10:18 40 [28] - 4:11, 116:23, 117:6, 146:10, 200:11, 212:11, 266:24, 295:24, 296:3, 323:14, 352:8, 376:23, 377:17, 452:5, 517:12, 520:16, 534:15, 540:22, 543:7, 567:14, 577:8, 577:10, 577:11, 577:14, 577:17, 616:23, 732:20, 750:17 40,000 [9] - 12:5, 35:19, 111:13, 111:14, 164:5, 180:14, 181:7, 531:12, 821:25 40-degree [1] - 606:16 40-kilowatt [1] - 352:15 40-story [3] - 24:4, 46:7, 642:9 40-year-old [1] - 295:22 400 [10] - 46:7, 108:8, 124:12, 124:17, 124:24, 145:19, 250:13, 384:18, 642:11, 825:14 400-foot [8] - 33:10, 33:18, 91:14, 124:15, 453:1, 517:11, 618:18, 618:19 400-plus [1] - 537:14	401 [1] - 404:19 405 [1] - 476:14 41 [2] - 852:13, 872:18 410 [5] - 7:2, 159:10, 325:6, 443:8, 642:16 410-foot [2] - 99:25, 100:2 42 [1] - 606:8 420,000 [1] - 825:16 43,000 [1] - 265:17 44 [3] - 200:25, 201:21, 659:16 44,000 [2] - 268:5 45 [5] - 97:22, 113:19, 262:15, 388:18, 845:3 45-degree [1] - 713:13 45th [2] - 724:25, 725:21 46 [2] - 38:12, 807:24 47 [1] - 821:5 475 [1] - 124:21 48 [3] - 474:8, 474:9, 507:18 480 [1] - 744:8 4th [2] - 9:9, 162:2	440:18, 472:23, 541:25, 542:1, 549:2, 549:4, 564:15, 564:25, 565:8, 565:14, 589:20, 593:3, 638:19, 640:12, 640:16, 672:13, 680:8, 684:17, 685:2, 699:15, 699:17, 715:3, 718:22, 734:19, 744:15, 767:19, 864:6, 875:6, 878:9, 883:16, 884:14 5,000 [2] - 153:14, 612:21 5-foot [1] - 311:22 5-minute [1] - 659:5 5-percent [2] - 844:25, 845:1 5.5 [1] - 253:15 5.99 [1] - 557:20 50 [45] - 4:13, 40:21, 44:4, 67:7, 77:19, 125:10, 168:7, 198:14, 212:9, 212:12, 212:19, 212:21, 212:22, 213:2, 241:14, 266:12, 268:21, 280:17, 281:5, 296:22, 327:14, 349:19, 352:7, 380:7, 466:13, 477:14, 492:14, 497:1, 518:24, 577:2, 577:20, 586:3, 608:8, 634:14, 688:2, 695:18, 711:18,	718:23, 719:8, 735:16, 739:6, 764:16, 820:19, 835:19 50,000 [2] - 146:3, 265:16 50-foot [5] - 646:14, 646:20, 764:21, 764:23, 765:22 50- millimeter [1] - 605:23 500 [11] - 65:16, 165:4, 185:4, 235:4, 236:6, 237:22, 286:15, 353:10, 586:9, 712:8, 818:23 500-foot [1] - 716:1 500-pound [1] - 725:4 501 [1] - 845:3 50s [1] - 525:23 50th [1] - 529:19 51 [1] - 563:16 517 [1] - 574:20 52 [1] - 200:7 5200 [1] - 475:22 53 [1] - 67:21 54 [13] - 167:14, 350:1, 352:10, 419:20, 420:2, 420:7, 434:4, 437:17, 438:2, 572:25, 573:10, 583:24, 608:8 54- megawatt [21] - 419:16, 420:18, 420:24, 427:21, 430:6, 430:10, 430:13, 431:16, 431:24, 432:3,	432:4, 432:9, 433:4, 433:7, 434:10, 438:18, 440:2, 571:25, 575:25, 583:16, 584:20 55 [3] - 436:2, 444:2, 466:25 550 [2] - 124:18, 351:19 56,000 [2] - 724:14, 724:18 57 [1] - 388:17 58 [5] - 262:5, 267:22, 273:12, 323:22, 726:14 58-year [1] - 106:25 59 [1] - 435:24 5:00 [1] - 1:7 5:02 [1] - 441:17 5:1 [1] - 659:9 5:35 [1] - 894:3	6	6 [29] - 154:6, 167:6, 191:15, 192:6, 322:15, 322:22, 323:3, 323:5, 323:13, 323:15, 323:21, 323:23, 324:20, 324:21, 351:20, 352:3, 352:4, 414:19, 426:7, 440:19, 441:6, 441:13, 441:14, 568:11, 606:11, 659:7, 762:11, 762:14, 762:20 6,000 [2] - 487:24, 524:4 6-32 [1] -
			5	5 [51] - 2:6, 79:1, 112:18, 155:10, 191:15, 220:14, 229:23, 233:3, 244:15, 252:3, 264:24, 302:18, 323:15, 376:14, 412:1, 426:5, 426:12, 436:10, 437:4,				

317:15 6-4 [1] - 662:22 6-foot [1] - 691:7 6-inch [1] - 29:3 6.3 [1] - 323:1 6.5 [3] - 602:17, 602:21, 607:3 6/10 [1] - 231:6 6/7 [3] - 578:14, 578:19, 578:22 60 [12] - 4:13, 29:6, 34:20, 65:16, 77:19, 177:5, 200:14, 227:22, 266:12, 378:9, 567:13, 823:21 60-some- odd [1] - 421:8 600 [1] - 244:15 60s [2] - 565:8, 793:14 61.7 [1] - 852:14 63 [1] - 108:17 638 [1] - 734:10 64 [1] - 230:22 65 [3] - 110:8, 436:2, 441:2 66 [2] - 316:19, 726:14 670 [1] - 237:13 685 [1] - 155:9 685(8)(a) [1] - 155:23 685(b)-4 [1] - 618:6 685-(a) [1] - 593:2 685-a [2] - 2:5, 2:25 69 [1] - 541:9 6:00 [1] - 1:1 6:02 [1] - 441:20	7	814:5 76 [1] - 807:24 775 [1] - 822:23 78 [1] - 285:6 7:56 [1] - 72:21 7:59 [1] - 512:15 7th [1] - 8:5	87.5 [4] - 767:20, 767:22, 767:24, 768:3 88 [1] - 283:11 89 [1] - 826:25 898 [3] - 7:7, 159:15, 443:13 8:04 [1] - 72:22 8:07 [1] - 512:16 8:29 [1] - 154:22 8:30 [4] - 154:2, 154:16, 444:3, 592:6 8:32 [1] - 592:13 8th [6] - 8:6, 9:2, 9:5, 160:17, 161:17, 161:22	9.5 [1] - 176:24 90 [25] - 10:11, 37:12, 168:5, 168:8, 179:20, 180:7, 193:18, 264:23, 283:10, 323:22, 324:20, 325:19, 333:17, 372:5, 378:8, 571:24, 572:25, 573:9, 577:8, 577:19, 700:5, 780:9, 790:16, 814:11, 876:17 90- megawatt [6] - 434:8, 575:25, 576:15, 838:11, 853:23, 874:14 900 [2] - 97:14, 183:22 90s [3] - 325:11, 334:8, 453:9 91 [1] - 46:20 93.6 [1] - 404:19 94 [4] - 611:5, 832:22, 833:7, 833:13 95 [4] - 82:11, 231:5, 833:7, 833:13 96 [1] - 794:1 970-some [1] - 123:6 99 [1] - 473:12 9:30 [1] - 266:23 9:56 [1] - 139:16	680:10 AAG's [1] - 798:21 AAMC [1] - 86:23 abandon [1] - 453:25 abandoned [2] - 53:1, 892:20 abatement [1] - 870:24 ABC [1] - 640:24 ABF [2] - 769:12, 769:13 abhors [1] - 53:6 abide [2] - 105:13, 284:11 abiding [1] - 46:20 ability [12] - 54:9, 178:6, 202:19, 268:24, 393:3, 398:11, 439:15, 542:11, 612:7, 612:8, 795:2, 876:2 able [90] - 1:8, 15:2, 38:21, 46:10, 50:19, 61:14, 98:18, 102:23, 114:13, 115:11, 124:4, 167:25, 168:10, 169:9, 177:23, 182:19, 193:19, 212:6, 212:9, 212:17, 220:15, 225:21, 226:15, 236:9, 249:8, 258:5, 262:15, 263:13, 268:10, 268:11, 269:3, 271:23, 278:16, 279:6, 281:13, 289:18, 291:3, 293:18, 293:24,	305:23, 306:1, 306:5, 306:16, 308:22, 309:11, 311:23, 324:9, 339:13, 386:7, 390:20, 395:15, 396:2, 423:24, 424:1, 438:3, 462:15, 463:24, 504:11, 504:13, 535:14, 541:14, 550:21, 551:8, 558:24, 560:13, 566:6, 573:22, 608:21, 636:10, 659:21, 661:13, 677:7, 689:24, 691:19, 691:20, 696:9, 716:21, 775:23, 788:6, 795:3, 799:3, 824:16, 836:15, 847:11, 850:1, 850:14, 850:18, 863:4, 864:16, 865:21 aborted [1] - 342:22 Abraham [33] - 63:3, 123:19, 320:23, 321:1, 321:2, 321:12, 321:21, 322:11, 322:15, 322:20, 324:22, 388:17, 463:5, 487:20, 487:22, 488:9, 495:4, 527:22, 569:2, 605:13, 607:1, 607:16, 607:18, 607:22, 608:2, 625:17, 689:13, 689:15, 689:21, 689:23, 689:25,	
		8	8 [13] - 22:4, 59:20, 115:4, 115:5, 227:4, 282:9, 323:14, 436:19, 437:4, 568:13, 660:11, 762:11, 762:20 8,000 [1] - 709:9 8-A [1] - 2:25 80 [11] - 185:2, 237:20, 238:7, 240:15, 366:9, 502:18, 567:13, 577:19, 642:15, 718:23, 719:8 80,000 [1] - 309:3 80-foot [1] - 502:15 800,000 [1] - 64:4 80s [2] - 384:12, 552:14 82 [2] - 322:22, 323:6 83 [3] - 178:15, 238:12, 469:20 84 [2] - 238:12, 469:20 85 [1] - 264:23 86 [1] - 849:23 860,000 [2] - 152:23, 379:23				
			9	9 [31] - 6:3, 6:5, 14:23, 124:11, 157:23, 162:16, 169:15, 220:22, 226:25, 227:21, 246:6, 246:9, 246:10, 246:12, 248:18, 249:21, 251:13, 351:23, 352:17, 360:20, 361:23, 432:14, 576:14, 597:4, 617:3, 618:20, 635:16, 853:22, 853:24, 887:16 9-acre [1] - 614:2 9-year-olds [1] - 568:13			
				A			
				a.m [6] - 154:22, 252:20, 252:21, 283:12, 592:13,			

<p>700:17, 741:14 Abrams [7] - 37:1, 71:13, 223:11, 321:19, 446:22, 497:23, 748:16 abrupt [1] - 284:15 absence [2] - 360:4, 630:5 absolutely [13] - 126:18, 163:6, 182:5, 527:6, 530:14, 530:18, 540:25, 575:16, 582:4, 697:20, 697:25, 703:3, 774:25 Absolutely [11] - 42:23, 294:21, 302:4, 372:11, 553:9, 703:1, 773:5, 774:21, 786:19, 793:20, 793:22 absorbed [1] - 573:25 abstract [1] - 272:10 absurd [1] - 489:16 abundance [1] - 101:16 abundant [2] - 26:5, 94:13 abutting [2] - 724:20, 766:7 academic [4] - 374:2, 376:1, 406:5, 407:17 Acadia [9] - 44:3, 317:22, 318:1, 318:4, 319:8, 320:8, 596:14, 611:6, 611:18 accelerated [3] - 151:18, 282:10, 432:13 accelerates [1] - 713:5 accentuate</p>	<p>[1] - 673:20 accept [7] - 79:15, 267:9, 278:3, 473:3, 508:14, 648:5, 827:18 acceptable [6] - 250:25, 399:19, 434:7, 486:5, 522:7, 669:5 acceptance [1] - 457:1 accepted [9] - 8:7, 160:16, 160:24, 402:9, 433:17, 437:11, 543:14, 550:10, 627:4 accepting [2] - 79:24, 437:15 accepts [1] - 649:14 Access [2] - 290:15, 290:22 access [36] - 2:16, 2:20, 6:17, 6:21, 7:8, 52:11, 158:14, 158:21, 159:16, 167:20, 168:23, 197:19, 199:16, 203:23, 209:25, 225:2, 308:20, 308:22, 309:24, 310:21, 311:13, 311:19, 312:14, 442:21, 443:1, 649:23, 712:4, 712:6, 714:13, 714:24, 724:17, 725:5, 775:10, 889:19, 889:24, 890:3 accessed [2] - 310:25, 311:4 Accessible</p>	<p>[1] - 530:16 accessible [1] - 369:3 accident [2] - 89:12, 107:11 accommoda te [1] - 474:16 accommoda ted [1] - 885:5 accompanyi ng [1] - 498:20 accomplish [1] - 134:9 accomplish ed [1] - 456:4 accomplish ments [1] - 220:9 accordance [4] - 2:6, 155:10, 303:7, 422:18 according [17] - 66:13, 131:10, 191:3, 266:12, 283:2, 310:3, 326:16, 575:6, 588:19, 636:16, 724:13, 742:25, 783:23, 793:23, 829:6, 829:10, 876:14 According [4] - 338:6, 821:4, 826:21, 843:13 account [12] - 56:18, 153:13, 164:9, 192:15, 245:13, 245:21, 303:17, 306:15, 326:1, 328:13, 852:10, 852:13 accountabili ty [1] - 789:11 accounting [3] - 353:10, 433:24, 538:21 accounts [2] - 108:12, 823:21 accrue [1] -</p>	<p>281:10 accrues [2] - 279:25, 655:15 accumulate [1] - 28:3 accumulate s [2] - 216:17, 826:20 accumulatin g [1] - 103:25 accumulatio n [5] - 27:19, 27:21, 27:25, 28:1, 564:13 accuracy [2] - 661:13, 661:14 accurate [9] - 285:5, 299:9, 353:23, 405:13, 502:9, 627:22, 661:15, 715:4, 813:19 accurately [3] - 637:15, 646:1, 673:7 accusations [2] - 422:15, 422:18 acetate [1] - 661:19 ache [1] - 141:23 achievable [1] - 261:6 achieve [8] - 168:18, 208:10, 449:23, 599:3, 850:1, 864:10, 865:21, 880:21 achievemen t [1] - 151:1 achievemen ts [1] - 107:18 achieving [4] - 168:19, 433:1, 434:16, 872:21 acid [10] - 12:12, 89:8, 164:13, 405:4, 481:22, 483:21, 510:16, 793:21, 826:11,</p>	<p>826:15 acidic [1] - 83:5 acidity [1] - 416:15 acknowledg e [6] - 44:25, 75:3, 495:20, 622:21, 893:7, 893:15 acknowledg ed [2] - 8:20, 161:10 acknowledg es [1] - 96:1 acoustic [2] - 234:21, 302:25 acquire [2] - 478:13, 495:1 acquired [5] - 487:18, 613:7, 614:20, 614:21, 752:20 acquiring [3] - 599:19, 613:1, 644:22 acquisition [3] - 234:9, 492:3, 629:18 acquit [1] - 484:2 acre [8] - 7:12, 159:20, 173:4, 198:15, 327:20, 443:18, 633:15, 634:11 acreage [3] - 709:21, 710:1, 710:23 acres [54] - 2:11, 6:8, 7:4, 7:5, 7:7, 7:11, 110:9, 125:4, 125:8, 132:22, 155:14, 158:2, 159:12, 159:13, 159:15, 159:19, 173:4, 173:18, 183:23, 202:9, 213:1, 226:8, 230:16, 230:20, 230:21, 231:9, 233:10, 236:4,</p>	<p>236:5, 440:10, 442:13, 443:10, 443:11, 443:13, 443:16, 474:25, 483:10, 487:18, 487:24, 530:22, 530:25, 574:20, 593:6, 613:8, 709:9, 710:3, 724:5, 732:10, 734:23, 746:21, 759:1, 759:4, 783:5, 816:16 acronym [2] - 317:17, 769:11 act [9] - 56:22, 78:20, 81:9, 114:19, 381:17, 750:24, 750:25, 755:20, 818:19 Act [13] - 320:13, 402:4, 405:3, 490:23, 629:2, 685:21, 728:4, 728:7, 728:9, 731:8, 819:2, 819:19, 882:25 Action [1] - 695:18 action [16] - 18:7, 18:25, 42:19, 42:25, 81:10, 157:12, 326:18, 410:9, 468:25, 474:11, 539:25, 735:3, 828:3, 835:1, 866:8, 866:10 actions [9] - 18:3, 18:8, 18:17, 79:10, 127:13, 405:22, 483:24, 600:8, 836:8 active [6] - 71:16, 84:15,</p>	<p>164:1, 591:10, 612:21, 720:10 actively [2] - 554:24, 554:25 activist [3] - 610:21, 610:22, 613:21 activities [28] - 6:22, 11:6, 11:8, 13:21, 15:3, 15:4, 71:9, 186:19, 190:8, 229:17, 443:2, 495:9, 603:7, 603:10, 607:24, 609:23, 610:1, 610:2, 618:23, 624:5, 624:8, 624:15, 644:25, 731:4, 731:5, 742:17, 798:8, 835:22 Activities [1] - 159:4 activity [11] - 235:7, 255:14, 304:8, 373:15, 390:5, 393:22, 524:11, 602:10, 728:4, 743:4 actual [31] - 148:22, 153:12, 196:12, 224:16, 276:3, 291:20, 313:2, 313:4, 367:11, 393:17, 394:4, 404:1, 410:12, 424:10, 425:25, 435:16, 485:16, 575:23, 662:12, 664:4, 688:3, 688:4, 733:21, 734:19, 763:15, 770:3, 787:24, 798:8, 824:12, 832:8, 880:6 acuity [2] - 658:17, 672:21</p>
--	--	--	---	--	---	--

<p>Adam [1] - 668:8</p> <p>Adamstown [1] - 496:6</p> <p>adapted [2] - 683:15, 683:17</p> <p>adaptive [1] - 253:22</p> <p>add [26] - 4:6, 34:25, 52:13, 64:9, 112:16, 207:16, 211:10, 225:9, 264:21, 364:8, 411:1, 433:2, 476:21, 476:25, 482:3, 482:11, 499:3, 590:4, 627:16, 754:23, 804:15, 804:16, 838:19, 838:25, 840:4, 853:17</p> <p>added [7] - 310:24, 336:16, 339:12, 345:4, 418:2, 596:7, 814:12</p> <p>addiction [3] - 44:9, 61:4, 103:25</p> <p>adding [9] - 209:7, 211:7, 264:24, 271:7, 404:22, 432:25, 520:5, 741:15, 877:22</p> <p>addition [26] - 1:10, 1:16, 1:21, 3:13, 12:15, 60:21, 101:1, 120:12, 165:14, 168:19, 171:24, 175:13, 175:16, 251:18, 254:7, 405:5, 432:5, 454:25, 597:15, 797:24, 800:4, 819:9, 826:10, 838:21, 893:7</p> <p>additional</p>	<p>[23] - 4:1, 4:4, 81:13, 95:9, 128:23, 128:24, 195:25, 254:1, 258:7, 285:19, 415:1, 438:16, 442:4, 456:23, 530:24, 572:18, 615:25, 711:6, 713:7, 761:17, 762:3, 891:25, 892:3</p> <p>address [62] - 41:17, 54:25, 58:15, 64:25, 104:23, 107:6, 119:14, 131:19, 147:14, 157:14, 180:17, 182:6, 187:2, 188:3, 189:4, 200:4, 201:12, 204:2, 204:15, 210:24, 216:4, 245:2, 248:18, 250:5, 271:5, 280:22, 320:18, 349:4, 409:19, 410:10, 410:11, 410:14, 417:9, 450:12, 471:10, 474:13, 503:3, 513:10, 514:20, 514:20, 523:19, 529:22, 534:3, 539:22, 545:2, 561:8, 561:11, 567:24, 585:13, 645:8, 645:12, 719:20, 721:25, 727:14, 795:25, 835:1, 835:25, 838:18, 854:14, 854:15, 875:19, 876:6</p> <p>addressed [14] - 7:18, 58:6, 160:1, 188:15, 203:3,</p>	<p>203:8, 355:8, 390:12, 398:11, 399:16, 476:19, 485:18, 485:20, 812:3</p> <p>addressing [2] - 239:14, 524:11</p> <p>adelgids [1] - 102:5</p> <p>adequacy [2] - 843:7, 843:11</p> <p>adequate [2] - 618:6, 654:21</p> <p>adequately [6] - 203:19, 204:15, 355:9, 393:11, 485:18, 661:9</p> <p>ADF [1] - 716:8</p> <p>adhere [1] - 795:4</p> <p>Adirondack s [2] - 501:6, 759:22</p> <p>adjacency [1] - 171:12</p> <p>adjacent [8] - 144:20, 172:3, 183:18, 183:19, 205:7, 236:16, 695:13, 733:12</p> <p>adjourn [1] - 867:12</p> <p>adjourned [3] - 154:17, 894:1, 894:3</p> <p>adjust [5] - 196:5, 306:5, 399:10, 826:6, 826:9</p> <p>adjusted [2] - 435:21, 572:25</p> <p>adjusting [1] - 691:22</p> <p>adjustment [1] - 124:20</p> <p>adjustments [1] - 588:10</p> <p>administrati on [5] - 406:11, 641:8, 641:10,</p>	<p>641:12, 866:15</p> <p>Administrati on [1] - 416:13</p> <p>administrati ve [10] - 5:12, 5:18, 6:4, 6:6, 156:2, 157:20, 157:21, 157:24, 159:21, 592:17</p> <p>Administrati ve [1] - 7:13</p> <p>admire [1] - 373:14</p> <p>admiring [1] - 617:5</p> <p>admission [1] - 690:17</p> <p>admit [7] - 71:25, 513:22, 515:18, 585:1, 717:1, 749:4, 853:1</p> <p>adopt [3] - 498:4, 609:3, 872:8</p> <p>adopted [5] - 319:17, 498:2, 522:14, 624:18, 872:9</p> <p>adult [2] - 482:5, 669:15</p> <p>adults [1] - 559:20</p> <p>advance [2] - 481:14, 827:21</p> <p>advanced [5] - 164:17, 449:3, 608:24, 609:6, 819:20</p> <p>advances [1] - 492:9</p> <p>advantage [9] - 13:19, 13:22, 50:9, 75:1, 88:10, 255:8, 820:6, 823:7, 850:14</p> <p>advantages [4] - 245:18, 662:13, 725:16, 725:22</p> <p>advent [2] - 462:25, 821:11</p> <p>Adventure</p>	<p>[2] - 80:13, 640:25</p> <p>adventure [1] - 567:10</p> <p>adversarial [2] - 408:9, 408:11</p> <p>adversary [1] - 248:12</p> <p>adverse [59] - 14:11, 16:6, 170:4, 174:6, 179:16, 199:19, 199:22, 202:4, 203:21, 204:19, 214:12, 219:9, 228:9, 228:24, 235:17, 236:18, 254:11, 259:22, 266:5, 270:18, 271:20, 312:7, 390:24, 393:1, 414:23, 415:12, 428:1, 429:4, 461:7, 471:15, 472:1, 511:3, 511:4, 511:7, 511:10, 511:21, 553:19, 553:23, 609:18, 616:11, 618:8, 671:23, 676:12, 682:15, 682:20, 686:16, 711:3, 722:22, 728:11, 731:22, 774:5, 774:11, 774:19, 828:18, 831:15, 847:20, 873:24</p> <p>adversely [2] - 373:20, 848:15</p> <p>adversity [1] - 104:22</p> <p>advertised [1] - 441:7</p> <p>advice [6] - 14:1, 14:3,</p>	<p>316:22, 317:4, 317:6, 763:16</p> <p>advise [3] - 313:1, 456:11, 830:2</p> <p>advisory [2] - 409:8, 557:5</p> <p>advocate [7] - 100:15, 135:3, 139:25, 420:16, 450:18, 483:21, 522:22</p> <p>advocated [1] - 511:15</p> <p>advocates [2] - 737:2, 830:2</p> <p>advocating [2] - 56:10, 507:25</p> <p>aerated [1] - 718:4</p> <p>aerial [7] - 196:8, 231:20, 311:22, 311:25, 312:22, 733:6, 781:7</p> <p>aerodynami c [3] - 27:24, 222:24, 384:14</p> <p>aesthetic [7] - 21:10, 72:5, 92:8, 93:2, 217:10, 218:16, 679:17</p> <p>aestheticall y [1] - 527:6</p> <p>Aesthetics [1] - 736:22</p> <p>aesthetics [7] - 38:25, 499:7, 620:9, 666:1, 695:20, 736:10, 747:18</p> <p>affair [3] - 492:15, 598:25, 891:19</p> <p>affect [32] - 66:25, 67:5, 98:11, 130:12, 147:23, 181:16, 238:4, 246:5, 259:22,</p>	<p>270:6, 271:15, 271:17, 271:20, 373:20, 424:24, 663:9, 670:15, 719:5, 719:12, 722:22, 801:15, 801:16, 803:5, 848:15, 854:17, 881:2, 881:6, 887:23, 888:2, 888:3, 888:4, 888:8</p> <p>affected [20] - 43:22, 44:7, 67:2, 90:20, 90:23, 91:12, 138:13, 229:15, 231:3, 231:24, 317:23, 341:6, 518:18, 521:24, 521:25, 524:17, 669:23, 682:17, 694:13, 728:12</p> <p>affecting [1] - 54:17</p> <p>affectionate ly [1] - 352:14</p> <p>affects [3] - 66:23, 658:14, 888:12</p> <p>affiliate [2] - 332:12, 332:22</p> <p>affiliated [5] - 57:10, 97:22, 506:8, 513:7, 793:11</p> <p>Affiliates [1] - 332:8</p> <p>affiliates [1] - 332:16</p> <p>affiliation [4] - 3:9, 156:19, 593:20, 889:12</p> <p>affiliations [2] - 22:14, 557:5</p> <p>affirm [1] - 810:16</p> <p>afford [2] - 42:25, 88:13</p>
--	--	---	--	---	--	---

<p>affordably [1] - 822:5</p> <p>afforded [1] - 756:23</p> <p>affords [1] - 497:12</p> <p>aforementio ned [1] - 566:15</p> <p>afraid [3] - 404:5, 493:22, 611:12</p> <p>Africa [1] - 59:12</p> <p>after-market [1] - 466:17</p> <p>after-the-fact [2] - 708:21</p> <p>afternoon [28] - 65:14, 81:25, 82:18, 84:6, 133:19, 157:20, 283:14, 284:23, 284:24, 327:1, 385:19, 394:11, 476:20, 506:3, 583:16, 594:9, 731:12, 761:9, 763:3, 763:4, 769:9, 780:17, 781:23, 784:23, 815:20, 841:8, 848:17, 866:7</p> <p>afternoons [1] - 65:13</p> <p>afterwards [4] - 25:2, 296:14, 321:4, 426:10</p> <p>age [5] - 71:7, 74:17, 87:24, 133:3, 475:10</p> <p>Age [1] - 92:6</p> <p>aged [1] - 580:12</p> <p>agencies [20] - 7:21, 8:9, 154:3, 155:19, 159:22, 159:25, 160:6, 160:19, 160:21, 201:15, 293:10, 316:20,</p>	<p>316:22, 317:5, 431:12, 599:21, 624:19, 741:13, 843:1, 874:18</p> <p>Agency [1] - 86:1</p> <p>agency [13] - 7:16, 7:17, 8:12, 8:22, 160:25, 161:11, 399:15, 496:13, 600:20, 609:2, 609:3, 674:23, 871:3</p> <p>agency's [1] - 160:1</p> <p>agenda [1] - 521:5</p> <p>agent [3] - 496:17, 769:14, 847:2</p> <p>agents [1] - 832:4</p> <p>ages [2] - 469:19, 567:12</p> <p>aggregate [1] - 356:11</p> <p>aggregator [2] - 817:1, 837:6</p> <p>aggressive [4] - 42:19, 95:6, 506:23, 852:7</p> <p>ago [64] - 17:24, 37:13, 40:21, 45:5, 45:16, 54:7, 62:3, 78:16, 88:17, 92:22, 103:23, 125:20, 126:3, 126:10, 134:1, 140:3, 166:16, 169:13, 216:8, 216:9, 224:18, 245:4, 249:12, 255:23, 257:3, 261:13, 272:12, 301:22, 351:25, 361:20, 379:22, 384:8, 397:22,</p>	<p>416:17, 445:5, 446:20, 458:7, 468:8, 471:20, 472:8, 472:20, 473:9, 482:3, 500:24, 506:20, 508:8, 513:9, 513:18, 530:20, 534:11, 535:6, 536:8, 538:5, 562:4, 563:12, 564:15, 577:6, 639:10, 731:20, 738:7, 777:10, 809:11, 839:6, 872:10</p> <p>agonized [1] - 538:25</p> <p>agonizing [1] - 139:2</p> <p>agony [1] - 761:1</p> <p>agree [77] - 39:2, 57:12, 121:11, 135:10, 144:2, 248:19, 281:3, 283:9, 290:8, 291:12, 297:14, 297:15, 312:3, 345:6, 356:4, 365:4, 375:25, 376:6, 394:23, 397:6, 412:4, 422:12, 422:19, 425:14, 448:7, 448:10, 494:5, 510:21, 511:1, 512:4, 526:10, 573:6, 575:17, 577:11, 578:11, 579:11, 579:19, 581:24, 581:25, 582:6, 582:14, 650:20, 676:7, 676:10, 676:16, 694:4, 701:14, 704:4, 707:1, 712:22, 721:24, 757:25, 767:22, 768:1, 768:2, 768:5, 768:15,</p>	<p>791:23, 792:5, 793:7, 793:24, 800:18, 801:3, 801:9, 802:8, 803:4, 803:7, 803:12, 804:5, 804:25, 873:6, 873:25, 874:9, 875:1, 878:13, 880:16</p> <p>agreed [13] - 139:4, 165:19, 255:21, 285:25, 293:11, 293:13, 393:4, 398:22, 588:20, 680:25, 728:25, 786:18, 889:23</p> <p>agreed-upon [1] - 588:20</p> <p>agreeing [1] - 703:23</p> <p>agreement [11] - 169:4, 181:3, 233:9, 597:20, 678:21, 680:24, 744:7, 789:6, 839:24, 889:10, 889:18</p> <p>agrees [2] - 198:8, 551:13</p> <p>agricultural [4] - 193:17, 620:7, 631:25, 825:6</p> <p>Agriculture [2] - 474:21, 641:11</p> <p>ahead [46] - 6:1, 34:2, 34:18, 34:24, 35:7, 36:4, 61:23, 111:4, 115:18, 122:12, 129:25, 134:24, 139:18, 163:23, 204:23, 219:5, 219:22, 219:25, 344:14,</p>	<p>369:14, 395:6, 442:6, 448:20, 448:21, 453:21, 454:10, 457:18, 463:15, 467:25, 512:23, 538:1, 545:22, 559:13, 570:24, 590:13, 595:10, 617:2, 623:4, 680:7, 680:13, 707:16, 723:11, 739:15, 753:12, 783:21, 788:14</p> <p>AIM [1] - 685:21</p> <p>aim [1] - 125:8</p> <p>ain't [1] - 113:2</p> <p>air [74] - 12:10, 12:11, 12:12, 21:9, 21:24, 29:22, 41:20, 41:21, 42:6, 42:8, 42:9, 42:10, 42:12, 42:25, 43:23, 44:2, 44:7, 44:14, 87:1, 87:3, 100:15, 101:2, 117:25, 151:25, 153:19, 164:10, 164:13, 177:6, 188:8, 236:24, 237:25, 245:21, 255:18, 263:5, 263:7, 263:8, 263:10, 265:7, 266:2, 278:1, 402:8, 402:10, 405:23, 412:18, 419:18, 419:21, 419:25, 425:24, 428:14, 475:14,</p>	<p>475:20, 477:1, 480:18, 483:20, 485:19, 490:6, 492:23, 496:13, 505:22, 506:5, 512:1, 560:11, 565:6, 567:19, 567:25, 568:1, 580:10, 733:23, 798:2, 818:12, 827:22, 852:23</p> <p>Air [8] - 41:24, 42:5, 401:15, 402:4, 405:3, 802:6, 867:2, 882:25</p> <p>aircraft [1] - 672:12</p> <p>airflow [1] - 223:6</p> <p>AIRIS [1] - 435:7</p> <p>airplane [3] - 27:18, 468:21, 654:8</p> <p>airport [1] - 227:7</p> <p>Airport [1] - 227:11</p> <p>AI [1] - 198:7</p> <p>al [2] - 356:23, 886:1</p> <p>Alabama [1] - 414:1</p> <p>alarm [1] - 506:12</p> <p>alarmed [1] - 54:16</p> <p>alarmingly [1] - 22:20</p> <p>Albany [1] - 88:16</p> <p>Albert [4] - 149:11, 176:7, 202:6, 218:19</p> <p>ALBRIGHT [1] - 727:11</p> <p>Albright [7] - 288:10, 680:20, 727:12, 729:20, 761:11, 761:13, 761:15</p> <p>Albright's [1]</p>	<p>- 288:10</p> <p>Alder [2] - 531:10, 532:19</p> <p>Alethea [2] - 91:18, 91:20</p> <p>Alexandria [2] - 32:17, 37:8</p> <p>Algeria [2] - 563:24, 563:25</p> <p>Alias [2] - 63:1, 63:4</p> <p>align [2] - 51:23, 513:21</p> <p>alignment [6] - 196:10, 196:20, 197:3, 199:2, 210:1, 210:2</p> <p>alignments [1] - 196:13</p> <p>alike [2] - 52:22, 258:2</p> <p>Alison [5] - 253:3, 253:5, 269:7, 373:12, 373:13</p> <p>alive [1] - 46:10</p> <p>all-in-cost [1] - 584:8</p> <p>all-or-nothing [1] - 427:13</p> <p>Allagash [2] - 503:14, 503:23</p> <p>Allen [3] - 129:22, 129:25, 130:1</p> <p>ALLEN [1] - 130:1</p> <p>allergies [1] - 44:4</p> <p>alleviate [2] - 125:3, 201:17</p> <p>allotted [2] - 284:10, 670:23</p> <p>allow [34] - 2:22, 5:23, 20:23, 77:22, 78:2, 98:2, 127:7, 155:18, 196:5, 198:19, 214:2, 240:5, 241:1, 272:12, 272:13,</p>
--	---	--	--	---	---	--

<p>277:15, 281:16, 282:1, 386:10, 386:11, 426:24, 437:22, 440:20, 441:5, 477:12, 534:19, 536:3, 568:5, 619:9, 723:22, 763:6, 814:19, 828:17</p> <p>allowance [2] - 278:24, 278:25</p> <p>allowances [12] - 278:5, 278:6, 278:17, 278:18, 278:22, 278:23, 279:3, 279:6, 279:9, 279:17, 279:18, 867:4</p> <p>Allowances [1] - 279:19</p> <p>allowed [21] - 4:5, 98:13, 173:19, 174:5, 199:17, 211:6, 211:16, 257:23, 283:10, 284:8, 333:21, 351:5, 454:4, 579:4, 579:6, 579:8, 579:13, 579:18, 650:15, 704:1, 892:4</p> <p>allowing [6] - 54:13, 149:9, 255:2, 265:2, 280:19, 816:6</p> <p>allows [11] - 13:22, 201:11, 261:5, 272:16, 280:3, 467:13, 482:10, 554:5, 611:15, 821:14, 823:24</p> <p>alluded [1] - 524:7</p> <p>alluding [1] - 424:21</p> <p>almighty [1] - 72:7</p> <p>almost [36] -</p>	<p>30:25, 41:14, 65:18, 107:12, 107:23, 126:2, 142:2, 169:20, 216:15, 230:4, 237:13, 249:18, 263:7, 327:23, 338:24, 340:19, 348:9, 399:20, 458:17, 462:5, 469:22, 506:6, 543:12, 548:8, 556:14, 587:16, 595:17, 595:18, 666:24, 684:23, 701:10, 721:20, 728:8, 737:2, 743:14, 883:3</p> <p>alone [11] - 13:17, 42:24, 77:7, 439:13, 463:12, 470:16, 481:20, 493:23, 517:22, 725:5, 804:5</p> <p>alongside [2] - 254:20, 295:15</p> <p>aloud [1] - 706:6</p> <p>alpine [23] - 102:11, 211:19, 230:3, 236:11, 453:7, 486:11, 519:3, 523:22, 523:23, 524:2, 524:6, 605:12, 735:17, 748:9, 748:13, 748:15, 748:21, 798:9, 800:1, 800:4, 800:7, 800:10, 800:15</p> <p>Alpine [1] - 738:8</p> <p>Alps [3] - 523:25, 524:3, 525:8</p> <p>alter [5] -</p>	<p>94:17, 545:17, 646:20, 728:5, 826:4</p> <p>alteration [1] - 234:2</p> <p>alterations [2] - 234:7, 721:21</p> <p>altered [4] - 230:23, 231:7, 518:23, 518:25</p> <p>alternate [3] - 47:8, 47:9, 498:23</p> <p>Alternative [2] - 170:25, 171:8</p> <p>alternative [38] - 20:14, 20:15, 45:1, 53:16, 61:13, 79:6, 104:2, 109:11, 115:25, 126:16, 135:3, 136:4, 185:18, 256:7, 409:25, 452:17, 461:18, 465:11, 469:15, 478:24, 480:15, 481:10, 489:13, 500:13, 510:14, 514:17, 530:8, 545:3, 554:3, 554:12, 554:21, 561:3, 561:5, 805:16, 820:13, 883:8, 883:10, 890:18</p> <p>Alternativel y [1] - 865:16</p> <p>alternatively [1] - 78:10</p> <p>Alternatives [10] - 206:21, 210:19, 214:20, 214:21, 228:13, 228:16, 299:19, 314:2, 327:13, 391:15</p>	<p>alternatives [14] - 44:11, 121:5, 126:20, 173:24, 287:13, 287:14, 287:19, 449:23, 449:25, 492:6, 495:23, 761:16, 814:5, 831:3</p> <p>Altima [3] - 444:25, 789:20, 789:23</p> <p>altimeter [1] - 715:2</p> <p>altitude [14] - 28:17, 146:4, 242:19, 303:22, 304:10, 304:14, 305:23, 449:18, 452:17, 459:18, 459:20, 523:21, 562:15, 800:11</p> <p>altitudes [3] - 50:23, 449:21, 799:12</p> <p>altitudinal [5] - 304:20, 305:4, 397:23, 398:12, 399:1</p> <p>altogether [2] - 146:23, 625:25</p> <p>Altogether [1] - 37:2</p> <p>amazed [1] - 502:17</p> <p>amazing [1] - 69:17</p> <p>amber [2] - 38:1, 467:12</p> <p>AMC [19] - 62:8, 85:10, 231:13, 231:15, 232:6, 413:13, 680:16, 739:22, 784:1, 784:3, 797:16, 797:20, 797:22, 799:5,</p>	<p>799:18, 809:7, 809:18, 811:11</p> <p>AMC's [3] - 798:6, 801:21, 812:6</p> <p>amend [1] - 167:25</p> <p>amendment [2] - 4:6, 155:22</p> <p>America [11] - 38:3, 53:14, 120:1, 176:24, 177:17, 260:3, 271:19, 454:12, 640:25, 782:21</p> <p>America's [2] - 528:4, 802:17</p> <p>American [16] - 41:12, 44:14, 79:1, 84:15, 96:16, 200:6, 375:20, 412:23, 532:19, 566:20, 581:5, 596:1, 599:8, 599:9, 795:20, 796:16</p> <p>Ames [2] - 141:4, 141:8</p> <p>AMES [1] - 141:6</p> <p>Ami [3] - 96:11, 96:13</p> <p>amount [84] - 11:17, 14:18, 39:18, 45:22, 59:10, 101:9, 104:10, 120:2, 120:15, 120:23, 148:22, 148:23, 153:5, 167:8, 167:9, 167:23, 168:10, 173:5, 173:22, 190:18, 192:22, 194:11, 214:14, 223:5, 223:9, 224:20, 227:9, 250:19, 255:15, 256:12, 264:4,</p>	<p>265:9, 278:8, 278:20, 284:11, 285:9, 291:5, 293:25, 294:2, 301:13, 313:2, 333:3, 338:17, 358:16, 386:12, 407:25, 453:2, 478:4, 542:2, 543:11, 551:6, 556:18, 557:15, 578:17, 582:1, 585:21, 587:9, 589:7, 589:16, 590:1, 590:8, 590:9, 621:6, 622:21, 745:14, 748:9, 766:23, 766:24, 767:23, 768:3, 794:12, 838:14, 842:1, 848:13, 850:23, 851:14, 853:15, 855:22, 856:12, 863:4, 864:5, 873:11, 874:7, 880:21</p> <p>amounts [10] - 141:15, 263:18, 408:3, 423:7, 464:20, 477:25, 774:8, 800:13, 825:18, 888:8</p> <p>amphibians [1] - 720:11</p> <p>amused [1] - 507:23</p> <p>amusing [1] - 756:13</p> <p>Amy [2] - 220:4, 643:16</p> <p>anaerobic [1] - 718:1</p> <p>analogous [1] - 230:9</p> <p>analogy [2] - 119:3, 410:3</p> <p>analyses [6] - 287:14, 361:9, 365:17, 367:23, 407:23,</p>	<p>799:10</p> <p>Analysis [1] - 848:18</p> <p>analysis [103] - 14:8, 14:17, 56:16, 171:1, 171:8, 192:14, 203:10, 231:12, 231:20, 246:21, 262:18, 262:22, 263:8, 285:12, 287:13, 287:20, 304:15, 336:12, 360:21, 361:5, 361:12, 362:15, 365:3, 365:15, 365:18, 365:24, 366:25, 367:3, 367:16, 372:19, 380:8, 401:19, 402:14, 402:15, 407:21, 417:14, 425:25, 431:8, 435:7, 435:19, 461:10, 461:18, 462:1, 476:19, 485:5, 486:19, 565:3, 570:14, 572:1, 597:21, 597:25, 600:21, 600:24, 601:9, 601:18, 601:22, 603:19, 603:22, 607:19, 608:3, 608:9, 609:15, 616:1, 617:20, 617:22, 617:25, 626:1, 626:4, 626:13, 627:2, 627:17, 635:6, 636:7, 645:14, 647:18, 660:15, 661:10, 672:21, 675:22,</p>
---	--	--	--	--	---	--

<p>675:24, 676:9, 744:4, 744:5, 744:8, 745:7, 745:12, 780:20, 809:18, 812:7, 812:9, 812:12, 812:19, 812:20, 812:21, 812:24, 813:12, 813:18, 813:22, 830:15, 830:23, 883:8, 883:10</p> <p>analyze [4] - 601:8, 626:20, 627:5, 630:7</p> <p>analyzed [6] - 14:23, 16:4, 167:15, 601:12, 625:21, 801:19</p> <p>analyzing [3] - 565:4, 830:25, 831:19</p> <p>ancestors [1] - 67:25</p> <p>ancestral [1] - 79:1</p> <p>ancient [2] - 53:1, 69:13</p> <p>Ancient [1] - 61:4</p> <p>Ancillary [1] - 887:7</p> <p>ANDERSON [10] - 194:25, 207:14, 208:5, 209:9, 209:15, 211:1, 211:14, 211:22, 212:8, 212:24</p> <p>Anderson [2] - 195:1, 307:11</p> <p>Andover [1] - 505:12</p> <p>Androscogg in [4] - 873:21, 874:5, 874:6, 874:22</p> <p>anecdotal [2] - 831:7, 832:6</p> <p>anecdotes [1] - 833:23</p>	<p>angle [3] - 608:10, 713:13, 714:7</p> <p>angled [1] - 606:18</p> <p>angles [1] - 693:8</p> <p>angry [1] - 507:25</p> <p>Angus [7] - 509:23, 512:5, 518:9, 518:10, 520:7, 542:13, 590:19</p> <p>animal [6] - 87:15, 299:11, 301:17, 415:5, 730:6</p> <p>animal's [2] - 301:19, 302:3</p> <p>animals [15] - 46:22, 48:14, 48:17, 48:18, 48:21, 74:14, 104:21, 114:4, 147:3, 722:11, 727:25, 732:1, 734:20, 734:25, 803:25</p> <p>ankle [1] - 52:17</p> <p>Ann [3] - 143:15, 555:2, 555:3</p> <p>Anna [1] - 483:16</p> <p>anniversary [1] - 529:19</p> <p>annotations [1] - 759:18</p> <p>announce [1] - 787:18</p> <p>announced [8] - 256:17, 349:13, 349:19, 350:4, 584:25, 779:14, 797:16, 819:20</p> <p>announcem ents [1] - 349:17</p> <p>announces [1] - 233:10</p> <p>announcing [1] - 787:19</p> <p>annual [7] - 299:10,</p>	<p>301:17, 397:3, 404:3, 404:6, 404:17, 729:15</p> <p>annually [4] - 79:23, 85:5, 259:13, 871:6</p> <p>anomaly [1] - 789:23</p> <p>anonymous [1] - 488:16</p> <p>Anson [2] - 67:19, 769:15</p> <p>Answer [1] - 886:23</p> <p>answer [76] - 37:3, 79:3, 88:9, 94:2, 177:9, 185:23, 187:24, 188:4, 190:5, 191:1, 194:3, 205:14, 207:21, 209:2, 252:17, 271:13, 282:13, 298:20, 307:25, 308:13, 333:6, 334:10, 334:20, 334:21, 339:25, 343:21, 344:7, 348:23, 364:3, 365:9, 366:1, 366:24, 372:9, 380:16, 409:2, 411:9, 415:7, 417:8, 417:22, 422:23, 425:15, 431:19, 521:11, 528:3, 549:18, 551:22, 572:7, 572:8, 578:15, 591:14, 617:15, 622:10, 622:11, 667:5, 677:11, 704:9, 747:14, 754:17, 756:1, 772:17, 773:25, 775:21, 776:20, 776:24, 777:1, 778:18,</p>	<p>792:10, 807:6, 807:9, 831:16, 837:11, 846:5, 866:9, 868:1, 874:4</p> <p>answered [6] - 355:22, 392:16, 422:17, 702:19, 776:2, 832:24</p> <p>answering [2] - 206:25, 705:8</p> <p>Answers [1] - 705:5</p> <p>answers [16] - 31:21, 83:20, 154:10, 189:21, 249:20, 425:5, 432:2, 433:21, 481:8, 551:24, 568:2, 625:2, 631:18, 696:17, 705:14, 705:21</p> <p>antenna [2] - 304:12, 391:18</p> <p>anticipate [9] - 202:1, 311:21, 396:9, 465:16, 658:18, 666:7, 666:10, 666:12, 666:16</p> <p>anticipated [4] - 361:13, 389:21, 654:14, 794:1</p> <p>anticipates [1] - 890:10</p> <p>anticipating [1] - 655:2</p> <p>antiquated [1] - 64:11</p> <p>anytime [2] - 218:11, 715:20</p> <p>Anyway [2] - 60:3, 91:4</p> <p>anyway [5] - 65:7, 110:5, 453:5, 533:3, 893:23</p> <p>anyways [1] - 90:16</p>	<p>Anyways [2] - 90:22, 91:15</p> <p>apart [4] - 50:22, 239:7, 438:15, 712:9</p> <p>apathy [1] - 460:14</p> <p>aperture [1] - 325:24</p> <p>apologize [14] - 277:23, 454:15, 572:9, 584:5, 639:5, 639:8, 639:11, 678:22, 704:22, 723:6, 792:20, 851:7, 861:1</p> <p>Appalachia n [241] - 10:14, 14:21, 14:22, 19:7, 22:16, 33:12, 33:19, 37:10, 37:11, 45:6, 48:3, 55:18, 60:22, 74:6, 74:11, 74:16, 75:2, 75:5, 80:15, 80:17, 80:21, 83:1, 84:15, 91:24, 99:19, 128:11, 138:25, 139:2, 220:22, 224:10, 225:20, 225:25, 226:4, 247:18, 248:9, 249:2, 284:2, 284:3, 317:9, 318:21, 319:11, 319:14, 320:11, 320:16, 320:20, 323:25, 324:10, 325:2, 345:13, 345:16, 345:19, 345:20, 350:19, 355:4, 427:3, 429:7, 429:13, 429:18, 472:9, 473:18, 483:5, 487:1, 488:10, 491:24, 492:2,</p>	<p>501:23, 502:4, 502:15, 503:6, 516:13, 521:2, 524:9, 525:24, 530:2, 540:14, 542:16, 543:3, 543:6, 546:6, 546:16, 547:20, 554:12, 566:17, 566:19, 575:1, 575:24, 595:14, 595:17, 595:20, 595:22, 596:15, 596:16, 596:18, 597:8, 597:10, 598:7, 598:19, 599:4, 599:10, 599:12, 599:17, 599:19, 600:1, 600:7, 600:12, 600:24, 601:12, 602:1, 603:2, 603:23, 607:7, 612:10, 612:11, 612:14, 612:18, 612:23, 613:1, 613:2, 613:6, 613:13, 614:11, 615:1, 615:5, 615:15, 616:8, 619:2, 619:23, 621:20, 622:2, 622:8, 624:11, 625:13, 625:15, 625:20, 627:21, 628:23, 629:1, 629:14, 629:20, 630:4, 630:23, 631:2, 631:5, 631:21, 634:2, 634:24, 641:1, 641:5, 641:7, 641:14, 641:21, 642:2, 642:4, 642:6, 650:10, 663:7, 663:14, 667:13, 673:23, 674:1,</p>	<p>674:8, 674:10, 675:9, 675:10, 676:19, 677:5, 677:8, 677:10, 684:6, 684:12, 684:13, 686:24, 688:24, 690:23, 691:1, 691:2, 692:2, 698:21, 699:6, 701:17, 701:21, 701:25, 702:15, 702:16, 702:20, 703:8, 735:10, 735:16, 736:8, 736:13, 737:9, 737:11, 737:15, 738:4, 738:6, 738:17, 738:21, 739:18, 741:11, 742:8, 746:16, 746:17, 746:18, 746:20, 747:4, 747:6, 747:18, 749:17, 749:18, 749:20, 750:6, 751:15, 751:20, 751:22, 751:23, 751:24, 752:1, 752:8, 752:9, 752:14, 752:15, 777:22, 778:2, 778:5, 778:15, 778:17, 791:24, 797:7, 801:15, 801:16, 802:2, 802:3, 802:24, 806:12, 808:7, 808:20, 809:23, 810:2, 810:6, 812:16</p> <p>Appalachia ns [1] - 547:4</p> <p>appalled [3] - 24:12, 27:6, 556:11</p> <p>appalling [1] - 108:9</p>
--	---	---	--	---	---	---

<p>apparent [3] - 138:7, 293:2, 749:3</p> <p>appeal [2] - 484:10, 820:23</p> <p>appealing [5] - 108:12, 109:5, 134:6, 134:7</p> <p>appear [16] - 106:23, 223:1, 390:7, 606:19, 608:13, 609:10, 619:22, 624:7, 632:11, 632:17, 651:18, 651:21, 673:2, 685:4, 843:5</p> <p>appearance [2] - 88:19, 602:6</p> <p>appeared [7] - 208:22, 608:7, 661:22, 661:24, 692:21, 704:11, 870:23</p> <p>appearing [8] - 602:2, 602:3, 602:6, 614:12, 618:22, 620:15, 684:21, 687:11</p> <p>appendices [1] - 780:10</p> <p>Appendix [2] - 288:18, 288:25</p> <p>appendix [3] - 791:5, 791:10, 832:22</p> <p>applaud [5] - 24:21, 55:19, 448:9, 498:3, 613:15</p> <p>applause [1] - 448:5</p> <p>apples [5] - 306:19, 306:20, 534:6, 622:5</p> <p>appliances [1] - 528:18</p> <p>applicable</p>	<p>[2] - 461:23, 732:13</p> <p>Applicant [112] - 5:13, 6:16, 7:14, 8:3, 8:6, 8:12, 9:22, 154:3, 155:19, 156:4, 156:7, 156:12, 158:13, 159:22, 159:24, 160:3, 160:10, 160:12, 160:15, 160:25, 162:25, 283:15, 308:7, 308:12, 308:15, 329:24, 330:11, 331:7, 385:2, 386:21, 387:1, 387:6, 390:11, 391:13, 392:24, 393:4, 393:10, 396:11, 426:24, 427:25, 428:6, 428:13, 433:22, 434:1, 434:6, 437:12, 437:17, 437:19, 438:14, 438:19, 438:22, 439:15, 440:10, 440:14, 440:25, 442:20, 449:24, 450:2, 506:10, 506:16, 506:18, 554:7, 554:8, 574:20, 582:12, 583:22, 593:18, 620:19, 626:9, 626:11, 631:11, 647:21, 649:20, 650:22, 693:21, 693:25, 710:11,</p>	<p>710:15, 711:16, 725:11, 728:15, 728:22, 729:3, 731:1, 732:13, 734:12, 743:2, 743:5, 744:17, 745:11, 754:9, 756:6, 758:14, 773:12, 774:20, 795:2, 795:9, 795:14, 795:17, 824:8, 829:7, 839:22, 847:18, 848:12, 855:5, 861:6, 868:8, 868:22, 869:1, 888:17, 891:4, 892:23</p> <p>Applicant's [15] - 282:8, 283:6, 306:23, 331:12, 331:14, 430:5, 450:16, 690:17, 708:3, 710:12, 712:16, 723:20, 725:13, 757:18, 871:2</p> <p>applicants [1] - 709:4</p> <p>Applicants [4] - 218:14, 341:16, 402:25, 712:1</p> <p>Application [5] - 155:13, 397:21, 709:5, 746:24, 875:10</p> <p>application [64] - 5:13, 7:13, 8:2, 8:7, 72:18, 98:1, 107:7, 159:1, 294:7, 308:6, 310:23, 314:7, 314:21, 314:23, 314:25, 315:17, 315:20, 316:18, 317:19, 331:5, 354:25, 361:20,</p>	<p>361:22, 375:12, 379:21, 380:11, 380:19, 439:21, 444:20, 483:18, 491:7, 504:2, 507:5, 518:6, 523:8, 561:15, 562:22, 563:1, 637:19, 637:23, 638:6, 639:13, 655:1, 708:2, 709:7, 709:11, 711:12, 714:19, 728:18, 729:21, 733:24, 738:2, 740:11, 746:10, 756:5, 757:18, 759:4, 762:18, 762:22, 764:7, 816:16, 854:14, 871:8, 879:25</p> <p>applications [4] - 202:22, 326:23, 655:4, 869:17</p> <p>applied [13] - 431:18, 433:18, 433:20, 434:3, 434:15, 435:18, 435:21, 435:23, 619:8, 732:20, 750:19, 886:2, 887:18</p> <p>applies [1] - 410:4</p> <p>apply [12] - 235:25, 285:15, 617:9, 626:11, 650:4, 650:5, 676:15, 718:13, 754:20, 764:14, 858:6, 860:4</p> <p>applying [2] - 464:19, 464:23</p> <p>appointed [1]</p>	<p>- 609:4</p> <p>appreciate [45] - 5:9, 20:8, 24:24, 38:8, 52:2, 60:15, 61:24, 66:5, 66:7, 73:3, 73:14, 106:19, 122:10, 127:8, 170:24, 369:2, 386:11, 386:19, 426:4, 448:6, 465:15, 473:3, 497:4, 503:4, 504:11, 521:20, 532:15, 540:7, 545:23, 549:7, 560:19, 584:7, 594:8, 631:18, 681:2, 681:4, 707:16, 716:22, 731:14, 815:14, 892:22, 893:1, 893:14, 893:17</p> <p>appreciated [3] - 75:9, 597:1, 867:22</p> <p>appreciates [2] - 867:20, 890:14</p> <p>appreciatin g [1] - 252:14</p> <p>appreciatio n [3] - 107:2, 324:25, 685:23</p> <p>approach [24] - 15:10, 56:17, 174:19, 196:3, 201:1, 201:11, 202:1, 302:16, 341:7, 391:24, 392:25, 395:24, 491:10, 639:17, 651:1, 651:2, 683:10, 683:19, 726:3, 726:7, 754:11, 757:9, 784:25, 788:11</p> <p>approached [1] - 536:22</p> <p>approachin g [2] - 234:22,</p>	<p>661:4</p> <p>appropriate [37] - 13:5, 13:8, 25:3, 72:19, 125:6, 136:3, 161:8, 191:20, 192:6, 196:7, 198:8, 199:13, 215:12, 251:6, 252:15, 285:25, 305:8, 312:6, 314:11, 381:9, 429:1, 440:13, 488:21, 494:19, 494:20, 647:19, 651:21, 662:1, 683:1, 706:8, 722:21, 737:10, 740:18, 774:1, 776:22, 778:13</p> <p>appropriatel y [4] - 204:1, 391:14, 706:9, 805:9</p> <p>appropriate ness [1] - 737:25</p> <p>approval [16] - 2:24, 3:20, 18:8, 95:8, 157:4, 189:14, 190:3, 190:6, 394:23, 437:2, 537:16, 728:10, 728:16, 787:6, 787:20, 816:15</p> <p>approvals [1] - 195:6</p> <p>approve [7] - 21:5, 125:1, 136:10, 470:21, 484:10, 536:15, 843:1</p> <p>approved [18] - 75:8, 84:25, 95:11, 95:21, 158:11, 189:23, 437:6, 437:17, 478:17, 478:20,</p>	<p>510:19, 510:20, 536:21, 588:17, 588:21, 785:21, 890:11, 891:9</p> <p>approving [1] - 18:25</p> <p>approximat e [2] - 361:8, 433:15</p> <p>April [10] - 8:12, 160:22, 387:25, 388:1, 389:14, 389:17, 459:3, 639:16, 785:13</p> <p>aquatic [1] - 756:17</p> <p>aquifers [1] - 524:16</p> <p>Aram [2] - 707:22, 716:23</p> <p>arbitrary [1] - 150:17</p> <p>arc [5] - 247:6, 658:20, 659:4, 660:21, 703:7</p> <p>Arcadis [1] - 263:5</p> <p>architect [9] - 220:3, 349:6, 575:12, 575:13, 575:14, 597:22, 600:16, 609:5, 681:5</p> <p>architects [3] - 220:5, 601:4, 683:11</p> <p>arcs [1] - 693:8</p> <p>Arctic [1] - 415:17</p> <p>arctic [5] - 368:7, 565:4, 565:9, 565:10, 565:11</p> <p>Area [3] - 256:16, 806:1, 806:2</p> <p>area [450] - 2:12, 7:3, 7:6, 7:9, 7:10,</p>
--	--	---	---	--	--	---

7:11, 13:18, 13:19, 14:13, 14:18, 15:3, 15:14, 17:11, 24:9, 24:13, 29:19, 32:7, 32:12, 39:3, 40:13, 46:20, 48:1, 48:4, 48:16, 60:19, 61:18, 63:23, 69:5, 71:9, 71:13, 72:7, 74:8, 83:13, 93:25, 94:12, 94:14, 95:18, 99:11, 99:16, 99:21, 103:8, 110:11, 116:13, 116:21, 128:16, 128:19, 129:4, 131:17, 132:9, 132:11, 132:18, 135:17, 135:18, 135:20, 137:10, 138:11, 139:7, 147:17, 148:1, 148:14, 148:23, 149:1, 149:5, 149:24, 150:21, 151:4, 155:15, 158:5, 159:11, 159:14, 159:18, 159:19, 161:20, 167:1, 167:3, 170:4, 171:4, 175:11, 176:15, 179:17, 186:21, 193:3, 193:8, 193:17, 196:25, 198:14, 198:15, 206:1, 207:12, 211:9, 212:24, 212:25, 213:21, 214:1, 215:2, 216:10, 220:13, 220:14, 220:15, 221:2, 221:5, 224:18, 225:1, 226:3,	226:7, 226:21, 228:10, 229:14, 230:1, 230:17, 230:19, 231:9, 231:15, 232:1, 232:3, 232:6, 232:7, 232:11, 232:20, 233:6, 233:13, 233:21, 234:4, 234:6, 237:18, 240:23, 240:25, 241:5, 242:4, 251:25, 252:4, 253:12, 254:15, 255:2, 255:10, 256:11, 256:15, 257:9, 257:10, 258:8, 259:11, 266:17, 267:15, 268:3, 270:7, 270:9, 285:23, 291:21, 292:20, 295:6, 300:20, 300:23, 300:24, 302:1, 303:11, 304:17, 309:21, 310:2, 321:22, 324:25, 328:25, 329:4, 329:14, 340:8, 346:19, 353:25, 357:12, 357:13, 357:15, 357:21, 357:22, 357:23, 371:17, 373:15, 374:25, 375:6, 375:14, 375:16, 377:7, 378:6, 390:6, 390:21, 393:19, 399:2, 399:7, 415:8, 416:5, 419:17, 419:21, 420:18, 443:9, 443:12, 443:15, 443:17,	445:12, 446:11, 446:19, 447:10, 452:4, 453:15, 454:16, 455:1, 456:1, 457:11, 457:13, 458:3, 458:9, 460:25, 461:3, 461:6, 461:9, 462:5, 462:6, 463:21, 463:22, 468:22, 473:15, 474:14, 474:23, 475:14, 478:6, 478:7, 478:15, 478:21, 480:14, 486:4, 491:22, 492:1, 492:2, 494:9, 494:13, 495:1, 495:7, 495:8, 495:18, 497:8, 502:22, 503:6, 503:12, 503:21, 503:23, 503:24, 504:1, 504:7, 504:13, 504:15, 504:18, 505:12, 507:13, 508:25, 511:20, 517:1, 519:12, 521:25, 523:4, 523:10, 525:19, 525:22, 526:1, 526:9, 526:15, 526:17, 526:20, 526:22, 526:24, 527:9, 534:19, 535:3, 535:12, 538:10, 538:14, 538:16, 539:6, 545:5, 545:7, 546:9, 548:7, 548:23, 549:3, 554:7, 556:17, 557:7, 557:16, 558:6, 566:25, 567:1, 567:9, 567:14,	601:16, 601:17, 602:3, 602:5, 602:24, 603:5, 603:18, 603:21, 603:22, 603:23, 604:9, 605:13, 606:19, 606:20, 607:25, 608:13, 610:10, 610:13, 612:11, 617:21, 619:4, 620:20, 620:21, 620:23, 621:2, 621:13, 621:16, 621:22, 622:3, 622:7, 626:21, 631:21, 633:15, 642:25, 649:12, 650:3, 650:14, 654:2, 655:13, 663:3, 664:12, 664:14, 666:7, 666:15, 666:21, 666:24, 670:1, 670:12, 677:3, 677:4, 677:13, 684:9, 685:8, 685:25, 686:17, 687:18, 688:17, 688:18, 689:23, 690:9, 697:2, 698:8, 698:14, 699:11, 701:20, 702:11, 703:7, 703:8, 704:7, 705:13, 709:2, 712:19, 717:19, 717:20, 718:18, 718:22, 719:15, 720:7, 720:9, 720:14, 722:16, 726:13, 726:19, 728:12,	730:12, 732:1, 732:13, 732:24, 733:2, 733:3, 733:12, 733:22, 734:13, 734:16, 734:19, 734:24, 738:5, 738:11, 738:23, 739:4, 740:20, 741:5, 741:12, 742:21, 743:8, 743:10, 743:15, 743:22, 745:17, 746:1, 748:3, 748:10, 750:4, 756:12, 760:20, 762:11, 768:16, 768:24, 774:1, 774:3, 781:10, 781:14, 781:18, 783:13, 793:25, 795:7, 797:11, 806:2, 808:3, 808:4, 808:8, 809:16, 810:19, 817:8, 832:12, 844:9, 844:16, 847:12, 847:14, 847:23, 849:9, 875:11, 877:9, 885:18, 885:22, 886:2, 886:16, 887:8, 889:19 area's [2] - 485:10, 531:4 Areas [1] - 230:2 areas [217] - 13:20, 14:9, 17:12, 17:13, 26:15, 45:12, 51:9, 74:25, 100:5, 100:6, 108:8, 136:18, 137:7, 137:14, 137:15, 138:13, 138:16, 148:19, 150:11, 166:12,	166:22, 169:18, 170:25, 171:1, 172:6, 179:13, 196:15, 196:16, 196:25, 197:1, 197:16, 206:3, 206:12, 207:15, 207:16, 208:10, 208:14, 209:1, 209:18, 212:18, 213:11, 215:1, 216:23, 220:15, 225:11, 226:9, 226:14, 226:24, 229:15, 230:14, 231:3, 231:9, 231:16, 231:18, 231:23, 231:24, 231:25, 232:23, 234:18, 234:19, 235:12, 235:24, 236:1, 236:8, 236:17, 237:22, 241:12, 241:19, 242:9, 242:11, 249:5, 290:6, 292:7, 292:12, 292:14, 292:19, 292:25, 293:3, 293:6, 293:7, 293:25, 294:16, 298:8, 306:2, 309:16, 309:20, 313:2, 324:23, 328:17, 337:24, 357:20, 384:20, 388:17, 396:2, 397:11, 424:12, 427:1, 446:8, 456:13, 461:13, 473:17, 476:23, 484:20,	486:11, 494:19, 494:24, 495:10, 495:13, 495:14, 497:19, 511:9, 525:1, 525:4, 527:1, 534:25, 536:21, 536:23, 538:6, 547:1, 547:6, 553:17, 558:25, 586:1, 596:6, 601:21, 603:24, 610:25, 611:11, 615:5, 615:6, 616:15, 619:22, 632:5, 634:9, 648:8, 654:4, 654:10, 654:13, 655:6, 666:8, 666:10, 666:11, 670:15, 675:18, 677:1, 682:17, 682:19, 682:24, 684:25, 685:24, 686:24, 691:17, 691:22, 695:7, 698:3, 700:13, 702:14, 702:24, 703:5, 703:9, 713:2, 716:5, 718:17, 718:18, 718:22, 719:9, 719:11, 719:12, 719:24, 720:19, 720:23, 721:2, 721:9, 722:10, 724:3, 724:20, 724:21, 729:4, 730:12, 732:19, 732:21, 735:18, 740:8, 740:22, 741:8, 741:18, 741:21, 742:1, 742:15, 743:1, 744:11, 745:25, 747:12,
--	--	---	---	---	---	--

748:19, 748:21, 766:7, 784:13, 800:4, 800:7, 800:15, 802:20, 812:15, 812:17, 818:10, 820:1, 825:10, 826:7, 844:13, 849:2, 886:12, 886:13 arguably [1] - 364:16 argue [8] - 492:5, 511:14, 582:20, 693:16, 719:7, 722:15, 729:13, 749:17 arguing [2] - 693:14, 693:15 argument [2] - 152:2, 879:22 arguments [4] - 151:14, 427:6, 492:12, 558:19 arisen [1] - 401:21 arises [1] - 460:25 arm [3] - 221:21, 504:23, 830:4 Arm [1] - 504:5 arm's [1] - 221:22 Army [2] - 287:4, 708:22 Arnold [2] - 463:14, 465:1 ARNOLD [1] - 465:1 Aroostook [4] - 85:17, 85:18, 86:2, 504:8 arranged [4] - 274:21, 392:4, 392:9, 762:3 arrangemen t [2] - 178:21, 354:20 arrangemen	ts [1] - 840:3 array [1] - 391:18 arrive [2] - 408:10, 825:13 arriving [1] - 62:3 Art [4] - 103:17, 105:4, 105:5 art [2] - 392:10, 399:13 article [14] - 58:7, 92:5, 294:24, 416:16, 505:4, 783:3, 783:23, 802:3, 802:7, 802:9, 802:15, 802:16, 802:25, 803:8 articles [1] - 416:12 articulate [2] - 463:7, 803:17 artifact [1] - 665:21 artificial [2] - 99:21, 150:17 artificially [1] - 663:18 artist [2] - 24:1, 460:20 Arts [1] - 551:3 arts [1] - 105:12 ARTZ [1] - 78:8 Artz [2] - 75:13, 78:8 ascent [1] - 689:15 ascertain [1] - 312:24 ash [1] - 729:24 ashamed [1] - 493:22 Asheville [2] - 623:8, 848:21 aside [12] - 515:9, 693:7, 855:13, 855:17, 855:23, 856:6,	857:1, 858:21, 863:25, 864:13, 881:17, 881:18 aspect [5] - 205:25, 548:1, 596:5, 647:17, 832:22 aspects [7] - 16:5, 53:19, 105:1, 107:7, 424:13, 475:4, 628:15 aspersions [1] - 861:4 assassinate d [1] - 468:22 assembled [2] - 165:12, 680:8 assert [1] - 819:24 asserted [2] - 258:6, 827:23 assertion [2] - 649:10, 649:14 assertions [2] - 489:18, 820:7 assess [3] - 78:17, 756:4, 785:5 assessed [1] - 756:11 assessing [3] - 250:6, 624:11, 624:14 Assessment [1] - 415:18 assessment [28] - 8:15, 161:3, 192:14, 208:17, 220:8, 222:1, 250:6, 307:1, 316:25, 317:15, 319:18, 325:25, 326:7, 326:21, 327:10, 328:12, 365:21, 431:2, 575:24, 627:22, 651:10, 653:9, 655:5, 658:24, 661:8, 679:14,	679:18, 681:8 assessment s [4] - 234:16, 644:11, 644:14, 644:18 assessors [4] - 832:1, 832:2, 832:7, 832:10 asset [3] - 123:22, 124:3, 476:21 assets [2] - 45:15, 350:8 assign [1] - 567:16 assigned [2] - 175:19, 613:3 assignment [1] - 676:18 assist [2] - 175:22, 196:9 assisted [1] - 202:20 assisting [1] - 257:15 associate [3] - 716:23, 727:17, 828:21 associated [36] - 6:19, 32:1, 116:9, 158:17, 158:24, 197:2, 198:16, 237:10, 237:17, 282:11, 340:10, 348:10, 356:16, 428:20, 442:24, 487:4, 579:14, 609:16, 631:20, 679:5, 720:11, 732:11, 733:3, 794:2, 807:20, 856:11, 856:22, 857:24, 859:3, 860:25, 862:19, 866:21, 870:2, 877:18, 877:20,	880:23 Associates [10] - 176:7, 195:1, 220:3, 269:14, 426:18, 431:5, 583:9, 637:23, 816:12, 817:24 associating [1] - 657:18 Association [12] - 41:12, 44:15, 84:12, 115:1, 136:24, 151:23, 153:18, 271:19, 529:14, 566:20, 581:5, 827:25 association [4] - 52:9, 84:13, 114:11, 817:17 association s [1] - 22:14 assorted [1] - 204:14 assume [30] - 163:1, 179:21, 238:21, 239:13, 240:4, 240:25, 283:4, 313:4, 361:21, 372:17, 373:21, 392:20, 419:16, 420:24, 424:21, 531:7, 549:13, 579:2, 589:13, 621:3, 648:11, 666:8, 694:9, 705:1, 804:19, 811:7, 862:14, 874:5, 874:8, 889:7 Assume [1] - 291:10 assumed [2] - 327:11, 721:19 assumes [4] - 327:19, 336:17, 337:1, 635:5 Assuming [1] - 801:11 assuming	[15] - 77:4, 183:23, 212:6, 239:2, 262:24, 291:8, 342:23, 372:22, 549:15, 570:21, 616:20, 649:5, 767:1, 841:23, 892:16 assumption [6] - 291:11, 337:16, 397:8, 729:6, 729:8, 840:22 assumption s [5] - 327:11, 367:19, 728:17, 731:1, 820:10 assurances [1] - 450:2 assure [8] - 159:25, 248:4, 450:4, 451:20, 502:20, 502:21, 843:11, 864:12 assured [2] - 139:11, 489:24 assuredly [1] - 76:11 assures [1] - 40:4 assuring [1] - 890:7 asthma [5] - 43:24, 55:11, 64:21, 581:2, 581:4 Asthma [1] - 827:24 astonished [1] - 27:6 astonishing [1] - 643:10 astray [1] - 485:24 AT [36] - 19:9, 19:12, 246:6, 246:11, 247:7, 247:25, 318:16, 320:23, 345:14, 345:16, 350:20, 429:16,	429:21, 605:15, 620:7, 631:6, 635:19, 641:9, 641:11, 643:11, 685:16, 685:18, 685:21, 686:5, 688:11, 689:25, 691:18, 691:19, 702:11, 736:2, 737:18, 776:12, 776:14, 779:15, 805:20 ATC [20] - 283:4, 318:11, 321:5, 322:6, 323:18, 680:15, 700:7, 802:5, 802:6, 802:16, 802:22, 803:21, 804:8, 805:15, 805:17, 805:21, 806:6, 807:19, 808:1, 808:10 ATC's [1] - 807:3 ATC/MATC/ AMC [1] - 595:2 Atlantic [5] - 68:9, 262:6, 400:8, 402:6, 737:5 atmosphere [6] - 58:6, 110:20, 115:13, 116:1, 415:11, 826:13 atmospheri c [6] - 541:3, 658:5, 658:13, 662:11, 825:13, 825:15 Atmospheri c [2] - 416:13, 826:17 atop [3] - 93:5, 149:1, 497:17 attach [2] -
--	--	--	---	--	---	--

<p>252:10, 785:19</p> <p>attached [4] - 30:3, 785:13, 785:17, 788:8</p> <p>attachment [1] - 806:10</p> <p>attack [2] - 102:5, 108:3</p> <p>attacking [1] - 407:4</p> <p>attacks [1] - 93:9</p> <p>attempt [5] - 506:12, 633:4, 854:13, 854:15, 857:13</p> <p>attempted [5] - 196:17, 350:8, 632:24, 712:1, 830:12</p> <p>attempting [1] - 632:22</p> <p>attempts [2] - 571:17, 635:4</p> <p>attend [1] - 816:5</p> <p>attendance [1] - 867:19</p> <p>attended [5] - 31:18, 68:8, 161:20, 398:14, 795:24</p> <p>attention [18] - 25:14, 30:21, 32:15, 42:6, 53:23, 89:20, 321:22, 452:9, 453:6, 500:25, 518:5, 523:20, 705:15, 712:13, 716:22, 718:16, 719:14, 731:14</p> <p>attentive [1] - 14:14</p> <p>attest [2] - 50:17, 823:6</p> <p>attitude [1] - 68:25</p> <p>attitudes [1] - 845:1</p> <p>attitudinal [1] - 833:25</p> <p>attorney [12] - 127:5,</p>	<p>156:15, 331:17, 331:20, 336:4, 460:20, 491:19, 572:13, 572:14, 803:17, 891:3, 892:11</p> <p>Attorney [2] - 509:20, 592:25</p> <p>attorneys [5] - 9:21, 313:11, 755:12, 761:10, 892:16</p> <p>attract [6] - 32:11, 325:9, 325:16, 522:11, 526:17, 861:17</p> <p>attracted [1] - 249:10</p> <p>attraction [5] - 237:5, 253:8, 471:24, 492:19, 522:10</p> <p>attractive [10] - 109:3, 222:22, 223:25, 252:6, 252:7, 350:13, 382:5, 522:17, 522:19, 821:13</p> <p>attractivene ss [1] - 736:23</p> <p>attracts [1] - 325:21</p> <p>attributable [4] - 246:4, 711:17, 797:24, 798:14</p> <p>attribute [2] - 710:23, 827:11</p> <p>attributes [3] - 280:7, 821:13, 840:6</p> <p>ATV [2] - 71:10, 532:24</p> <p>ATVs [1] - 310:22</p> <p>atypical [4] - 337:17, 337:25, 338:5,</p>	<p>377:20</p> <p>Auburn [1] - 139:25</p> <p>auction [1] - 589:25</p> <p>audience [2] - 10:2, 34:8</p> <p>audiotape [1] - 444:15</p> <p>Audubon [27] - 60:22, 80:13, 80:16, 82:24, 202:13, 229:4, 284:3, 288:11, 386:3, 392:3, 483:6, 680:16, 716:25, 727:13, 731:16, 784:24, 787:19, 792:15, 792:17, 792:23, 793:2, 793:5, 793:8, 793:9, 793:10, 793:23, 841:9</p> <p>Audubon's [1] - 785:8</p> <p>Augerton [1] - 36:19</p> <p>augment [1] - 19:24</p> <p>augments [1] - 429:15</p> <p>augured [1] - 213:22</p> <p>August [24] - 1:1, 3:25, 4:4, 7:20, 9:9, 154:19, 154:22, 160:5, 162:2, 206:13, 227:8, 283:13, 441:17, 441:20, 580:14, 592:10, 592:13, 643:15, 730:2, 788:9, 788:19, 891:24, 892:1, 894:3</p> <p>Augusta [2] - 136:17, 474:20</p> <p>auspicious [1] - 484:8</p> <p>Austin [1] - 822:13</p>	<p>Australia [3] - 88:16, 89:4, 92:23</p> <p>author [7] - 374:4, 389:1, 399:24, 399:25, 400:25, 460:21, 778:17</p> <p>authored [2] - 729:20, 779:12</p> <p>authorities [2] - 197:6, 332:20</p> <p>Authority [1] - 388:23</p> <p>authority [3] - 357:14, 358:1, 843:10</p> <p>AutoCAD [2] - 766:2, 766:3</p> <p>automobile [1] - 412:23</p> <p>automobile s [1] - 507:9</p> <p>availability [1] - 171:13</p> <p>available [62] - 43:10, 47:11, 85:13, 170:15, 171:3, 172:5, 172:21, 173:25, 182:9, 182:10, 183:16, 208:19, 225:17, 253:22, 254:3, 261:25, 312:1, 350:6, 350:14, 350:16, 365:2, 380:21, 380:24, 386:5, 407:13, 408:19, 427:18, 428:8, 429:3, 430:22, 431:22, 433:16, 434:15, 436:22, 438:9, 450:24, 465:22, 466:19, 479:3, 521:1, 524:24, 540:1, 589:17, 609:1, 661:6, 744:3, 744:10,</p>	<p>744:14, 745:6, 758:4, 811:5, 811:8, 812:8, 813:1, 814:25, 817:11, 820:13, 837:9, 837:18, 838:15, 851:3, 871:4</p> <p>average [35] - 87:24, 101:21, 152:24, 191:5, 191:7, 191:13, 192:9, 227:10, 253:18, 336:22, 338:15, 343:11, 381:12, 381:13, 381:14, 403:3, 403:18, 404:6, 412:22, 423:14, 425:2, 425:10, 425:12, 565:9, 567:12, 614:22, 616:19, 617:24, 632:25, 634:15, 710:2, 752:25, 865:2, 865:25, 868:14</p> <p>averages [2] - 425:25, 752:21</p> <p>avert [1] - 54:22</p> <p>Avery [4] - 124:23, 124:24, 602:16, 607:3</p> <p>avian [5] - 305:15, 306:9, 398:12, 398:21, 398:23</p> <p>aviation [1] - 670:8</p> <p>avid [7] - 37:10, 80:11, 122:21, 134:2, 463:17, 555:10</p> <p>avidly [1] - 60:18</p> <p>avoid [20] - 166:6, 195:24,</p>	<p>235:1, 236:13, 293:22, 300:12, 336:7, 343:17, 450:13, 500:13, 573:23, 711:3, 711:12, 711:21, 731:19, 735:3, 833:23, 858:12, 859:12</p> <p>avoidance [2] - 418:8, 848:10</p> <p>Avoided [1] - 401:15</p> <p>avoided [18] - 173:22, 337:25, 380:25, 401:23, 404:6, 404:17, 404:22, 405:21, 423:12, 577:13, 825:19, 854:18, 854:20, 859:8, 881:13, 881:23, 882:1, 883:6</p> <p>avoiding [1] - 233:8</p> <p>avoids [1] - 740:13</p> <p>award [1] - 552:15</p> <p>awarded [1] - 552:15</p> <p>aware [124] - 1:6, 22:2, 27:11, 58:18, 127:25, 146:1, 147:12, 191:17, 238:23, 249:6, 279:21, 307:18, 317:8, 318:21, 320:14, 321:2, 321:12, 355:2, 373:19, 374:12, 374:13, 374:18, 374:21, 391:11,</p>	<p>397:22, 398:10, 399:18, 400:16, 415:9, 420:15, 425:7, 425:10, 425:16, 432:24, 453:9, 457:25, 458:17, 458:18, 488:24, 572:23, 574:22, 574:25, 578:3, 579:4, 579:6, 579:8, 579:17, 638:6, 640:24, 641:22, 641:24, 642:2, 642:17, 642:24, 643:3, 667:24, 674:21, 676:10, 697:10, 701:23, 753:23, 754:1, 754:2, 755:7, 762:1, 762:14, 762:17, 762:20, 763:24, 764:6, 766:11, 766:21, 766:22, 767:10, 767:19, 777:25, 778:3, 779:8, 781:5, 782:20, 782:23, 782:24, 783:2, 784:3, 786:21, 786:23, 794:15, 794:24, 796:7, 796:10, 797:6, 797:11, 797:16, 798:17, 798:19, 799:8, 799:9, 799:15, 821:5, 825:21, 831:6, 834:25, 845:5, 858:15, 866:24, 868:7, 868:13, 869:14, 871:25, 872:9, 872:12,</p>
--	--	--	--	---	---	---

872:14, 872:25, 873:9, 873:18, 879:4, 879:8, 879:15, 880:6, 880:8, 882:22, 884:6, 886:24 awareness [1] - 821:6 awestruck [2] - 69:12, 249:13 awful [2] - 472:4, 865:8 awkward [1] - 652:21 axiom [1] - 130:17 axioms [1] - 130:14 axle [2] - 308:22, 309:2 axles [2] - 309:5, 309:7	s [1] - 92:17 backing [5] - 600:8, 698:19, 886:24, 886:25, 887:1 backs [1] - 876:10 backward [1] - 82:14 backwards [1] - 591:7 backyard [19] - 53:6, 55:23, 64:14, 68:25, 75:7, 96:23, 98:7, 111:5, 135:16, 135:22, 135:24, 137:6, 149:7, 467:11, 482:15, 531:24, 566:14, 695:24, 830:6 Backyard [1] - 482:13 backyards [1] - 532:1 bad [21] - 82:9, 90:3, 91:9, 247:2, 256:1, 271:2, 470:9, 491:11, 508:19, 513:11, 521:12, 544:8, 544:17, 559:20, 651:23, 651:25, 652:2, 687:1, 717:9, 756:14, 828:16 badges [1] - 31:12 badly [1] - 485:24 bag [3] - 359:16, 412:1, 412:2 bagger [1] - 21:12 Baileyville [1] - 711:24 bailing [1] - 266:24 bake [1] - 532:11 balance [15] - 170:8, 192:23,	393:11, 490:9, 518:19, 536:2, 553:17, 554:5, 557:10, 557:24, 559:6, 622:19, 654:19, 706:23, 814:13 balanced [2] - 422:22, 833:3 balancing [3] - 511:13, 750:24, 750:25 Bald [4] - 497:22, 497:24, 548:6, 548:12 bald [1] - 118:24 ball [1] - 111:1 balled [1] - 873:19 ballpark [1] - 404:16 balsam [6] - 111:21, 146:16, 211:8, 230:5, 793:25, 826:14 Baltic [1] - 556:2 Baltimore [1] - 542:3 Ban [1] - 568:4 band [2] - 235:9, 525:3 Bangor [12] - 63:1, 63:7, 63:10, 85:19, 141:5, 358:9, 448:14, 448:24, 504:8, 516:20, 591:18, 711:24 bank [1] - 63:4 bankrupt [1] - 726:1 banks [3] - 110:6, 557:17, 562:24 Banks [1] - 557:18 Bar [2] -	513:5, 737:5 bar [11] - 263:13, 263:14, 264:17, 322:11, 335:24, 337:5, 337:6, 337:7, 338:6, 603:10, 853:1 Barbara [3] - 44:18, 46:17, 46:18 barefoot [1] - 52:20 barely [2] - 222:12, 688:19 bargain [1] - 526:24 bark [1] - 792:6 barn [1] - 68:6 barometric [1] - 715:1 Barr [3] - 60:7, 60:12, 61:24 BARR [2] - 61:24, 63:14 barren [2] - 501:17, 527:5 Barrett [2] - 444:7, 444:18 BARRETT [1] - 444:18 barrier [1] - 836:22 Barry [1] - 542:4 bars [1] - 63:1 Bart [5] - 1:3, 9:14, 154:25, 590:14, 592:20 base [22] - 197:11, 222:20, 222:23, 223:6, 223:10, 226:22, 290:17, 290:25, 313:21, 394:5, 451:23, 557:14, 659:17, 690:14,	690:16, 718:23, 741:15, 761:24, 774:9, 833:11, 838:12, 884:24 Based [3] - 262:18, 392:22, 597:24 based [84] - 5:20, 43:6, 64:23, 110:22, 148:20, 150:14, 152:24, 199:13, 200:2, 251:5, 259:13, 262:18, 262:22, 269:20, 271:17, 272:25, 327:11, 341:7, 350:5, 365:21, 369:20, 381:12, 381:14, 397:2, 397:9, 402:23, 406:20, 406:22, 406:25, 419:3, 423:1, 425:25, 435:22, 441:2, 498:5, 544:9, 557:22, 557:23, 557:25, 587:8, 588:6, 589:13, 597:25, 601:25, 603:13, 616:9, 625:7, 626:4, 630:12, 630:13, 630:16, 633:23, 636:7, 646:2, 647:13, 659:14, 672:21, 683:12, 726:8, 729:7, 757:17, 773:6, 773:8, 784:7, 788:25, 798:1, 817:24, 820:9, 824:16, 832:8, 833:12, 838:11, 847:22, 850:2, 852:22, 860:2,	861:21, 864:8, 869:20, 880:21, 887:17, 888:1, 890:7, 892:25 baseline [2] - 799:3, 801:25 bases [5] - 222:13, 452:25, 453:3, 724:12 basic [10] - 105:14, 105:17, 127:22, 228:1, 398:22, 436:5, 447:11, 460:21, 652:2, 863:9 basics [1] - 500:11 Basil [6] - 109:17, 109:21, 110:4, 113:9, 466:23, 560:1 basin [1] - 71:12 Basin [1] - 591:18 basins [1] - 717:25 basis [25] - 72:19, 107:20, 180:20, 182:2, 194:15, 244:16, 304:18, 358:19, 361:24, 362:24, 363:6, 363:8, 403:12, 404:3, 437:7, 451:10, 462:13, 600:22, 615:25, 716:9, 766:14, 812:7, 829:22, 839:20, 855:18 bat [13] - 235:11, 305:15, 306:7, 390:5, 524:17, 785:1, 785:3, 785:5, 791:21, 791:24, 792:11, 795:25	Batchelder [1] - 559:23 Bates [1] - 567:4 Bath [3] - 483:13, 708:10, 708:15 Bats [1] - 47:3 bats [20] - 235:6, 235:17, 244:3, 302:12, 303:13, 305:16, 305:24, 306:17, 306:19, 389:18, 390:3, 391:22, 399:11, 542:18, 544:18, 733:14, 733:19, 791:5, 791:23, 792:8 battle [4] - 54:11, 427:13, 470:13, 535:8 Battlefield [1] - 612:4 battling [1] - 54:11 Baxter [4] - 729:19, 741:2, 741:6, 748:25 bay [1] - 119:6 Bay [1] - 737:8 bays [1] - 35:9 Beach [3] - 86:20, 126:13, 523:5 Beacon [11] - 374:3, 409:6, 413:2, 413:8, 413:10, 413:23, 422:4, 422:9, 832:16, 844:20, 845:15 Bean [1] - 202:16 bear [4] - 2:3, 272:3, 590:14, 828:15 bearing [5] - 327:15,
B						
baby [1] - 108:24 bachelor's [1] - 782:18 backed [2] - 381:19, 878:5 Background [2] - 640:13, 640:14 background [31] - 220:16, 221:14, 221:17, 223:1, 223:3, 223:24, 226:19, 227:4, 227:15, 247:10, 250:2, 250:16, 444:22, 552:5, 602:18, 603:1, 628:13, 640:5, 652:13, 653:18, 658:2, 658:14, 658:20, 658:21, 684:19, 688:12, 723:13, 780:1, 782:17, 787:15, 844:4 background						

<p>369:11, 486:13, 646:12, 724:1 bearings [1] - 766:5 bears [2] - 68:20, 748:8 beautiful [62] - 18:14, 19:8, 22:17, 32:4, 38:1, 40:19, 47:20, 51:20, 59:6, 60:19, 61:14, 74:14, 86:18, 91:25, 94:12, 99:19, 99:23, 110:13, 110:23, 111:19, 112:8, 112:9, 113:5, 125:20, 125:25, 126:4, 126:18, 132:19, 133:9, 141:20, 148:4, 428:4, 463:11, 467:12, 471:19, 473:14, 483:19, 488:21, 493:24, 525:5, 526:9, 526:12, 527:7, 527:20, 532:24, 535:10, 538:14, 543:5, 543:15, 546:20, 547:17, 548:19, 556:4, 560:17, 602:2, 687:2, 715:24, 736:25, 754:25, 848:13, 893:24 beautifully [1] - 93:16 beauty [45] - 18:16, 19:4, 27:14, 32:7, 39:1, 39:6, 46:11, 46:21, 71:14, 75:5, 86:5, 100:6, 106:11, 107:2, 125:21, 125:23, 147:24,</p>	<p>148:15, 375:7, 454:24, 458:5, 492:22, 493:15, 493:20, 500:23, 501:16, 501:18, 502:17, 504:18, 526:1, 526:15, 526:21, 536:1, 545:13, 546:9, 547:5, 547:24, 548:14, 548:19, 555:20, 598:5, 598:15, 736:10, 847:20 Beaver [1] - 499:11 became [7] - 113:18, 117:8, 172:12, 380:21, 457:25, 463:18, 629:18 become [25] - 1:23, 43:9, 52:3, 89:14, 111:11, 131:6, 142:25, 145:8, 255:17, 256:15, 257:24, 267:13, 297:2, 402:8, 460:13, 464:14, 471:23, 505:8, 652:25, 657:20, 658:2, 754:24, 854:25, 858:22, 891:10 becomes [6] - 99:6, 218:21, 218:22, 552:9, 657:15, 657:25 becoming [3] - 186:15, 705:17, 834:25 bed [2] - 217:2, 483:2 bedrock [6] - 204:8, 210:11,</p>	<p>214:25, 215:2, 395:20, 713:22 bedroom [5] - 483:2, 708:6, 708:8, 708:15, 708:16 beds [2] - 173:13, 453:15 bee [1] - 62:11 beetle [2] - 782:24, 783:6 beetles [1] - 57:25 before-and- after [2] - 662:21, 663:12 began [4] - 228:17, 501:9, 788:9, 830:24 begin [17] - 5:10, 16:13, 20:13, 72:23, 93:22, 127:12, 200:6, 282:25, 283:14, 385:3, 410:6, 506:7, 507:1, 543:17, 631:10, 816:4, 842:16 beginning [14] - 103:5, 284:13, 295:19, 462:1, 483:20, 537:15, 565:14, 613:22, 730:15, 741:10, 755:11, 777:19, 801:21, 808:17 beginnings [1] - 484:9 begins [1] - 680:14 begs [2] - 298:20, 343:25 behalf [23] - 38:17, 51:24, 100:15, 103:19, 247:14, 359:23, 386:3,</p>	<p>387:25, 487:1, 487:11, 506:10, 727:13, 737:14, 751:19, 815:21, 816:9, 836:2, 837:6, 846:25, 869:25, 870:5, 875:25, 891:6 behaves [1] - 718:15 behavior [2] - 597:16, 835:8 behind [16] - 35:6, 62:20, 188:14, 192:2, 313:21, 327:6, 337:9, 354:8, 427:12, 543:9, 587:12, 665:3, 676:21, 688:13, 689:16, 742:1 beholder [6] - 19:5, 39:2, 125:21, 482:4, 598:6, 628:11 Belfast [1] - 131:25 belief [4] - 92:18, 469:3, 856:16, 891:9 beliefs [2] - 72:15, 92:17 believes [2] - 427:17, 808:10 Bell [1] - 220:4 bell [2] - 506:12, 708:16 bellows [1] - 257:6 belly [1] - 141:23 belong [4] - 119:19, 137:7, 143:9, 749:23 belongs [1] - 143:10 beloved [1] - 75:20 below [28] - 6:25, 28:16, 36:23, 159:7, 206:11, 227:17, 228:4,</p>	<p>243:4, 244:4, 244:16, 366:15, 366:21, 390:6, 395:11, 395:22, 396:5, 436:4, 443:5, 561:16, 582:5, 718:24, 721:23, 734:8, 743:11, 743:14, 797:19, 839:7 below- ground [3] - 6:25, 159:7, 443:5 belt [1] - 804:1 Bemis [1] - 534:25 bend [1] - 177:13 beneath [3] - 249:13, 445:1, 773:24 benefactors [1] - 95:21 beneficial [3] - 107:18, 185:13, 204:10 beneficiarie s [2] - 52:12, 482:16 benefit [34] - 26:25, 72:8, 112:23, 114:12, 117:15, 151:10, 151:16, 151:20, 187:12, 262:16, 347:14, 347:25, 348:5, 371:13, 383:15, 420:19, 420:20, 440:5, 447:23, 483:23, 497:15, 507:4, 512:11, 675:21, 675:24, 823:14, 825:17, 828:6, 834:13,</p>	<p>834:20, 848:9, 859:17, 884:8 benefited [1] - 344:2 benefits [51] - 12:2, 15:5, 15:11, 17:5, 32:13, 55:15, 86:12, 94:6, 95:19, 164:14, 168:22, 168:24, 170:9, 170:17, 174:2, 183:8, 187:12, 252:24, 253:16, 253:19, 253:25, 258:24, 277:16, 350:18, 350:22, 350:23, 372:16, 419:18, 419:22, 419:23, 419:25, 420:1, 420:2, 428:14, 457:7, 461:11, 491:1, 522:25, 573:22, 585:4, 654:19, 654:20, 818:8, 820:2, 824:20, 824:23, 827:5, 841:11, 848:10, 849:11, 874:13 benefitting [1] - 347:15 benign [1] - 524:22 Bennett [4] - 486:23, 491:6, 494:3 BENNETT [2] - 491:5, 494:3 berg [1] - 478:22 BERGLAND [4] - 199:25, 205:2, 205:9, 205:20 Bergland [1] - 200:1 Berkshire [1] - 752:11 berm [1] -</p>	<p>801:10 Bernstein [1] - 506:9 Bert [3] - 707:22, 716:19, 757:4 BERTL [2] - 454:8, 454:12 Bertl [2] - 444:7, 454:7 Bertram [1] - 723:12 beside [3] - 33:11, 33:19, 40:6 Bess [1] - 867:8 best [61] - 14:4, 43:16, 52:13, 52:17, 74:25, 78:17, 92:21, 100:25, 104:4, 167:11, 170:14, 171:3, 172:4, 172:20, 173:25, 175:4, 198:6, 211:22, 216:18, 218:25, 295:10, 311:24, 312:6, 322:14, 322:15, 322:24, 392:25, 393:3, 393:4, 406:12, 406:23, 407:20, 428:7, 429:3, 431:22, 451:9, 465:17, 468:14, 484:23, 486:17, 538:8, 569:6, 596:1, 596:9, 596:20, 630:6, 630:9, 649:25, 675:21, 675:24, 744:3, 788:11, 788:25, 811:5, 811:8, 812:8, 826:1, 867:23, 868:2, 893:22 bet [2] - 112:21, 473:12 Bethel [2] - 889:22, 890:5 better [31] -</p>
---	--	--	---	---	---	--

<p>4:19, 21:8, 23:11, 77:20, 82:15, 82:19, 83:24, 88:3, 113:5, 120:24, 166:12, 185:18, 191:23, 192:3, 210:25, 243:7, 252:14, 263:1, 404:24, 425:22, 450:11, 463:20, 508:11, 645:13, 658:25, 720:22, 724:8, 752:3, 778:18, 828:25, 892:24</p> <p>between [76] - 10:19, 33:11, 33:18, 36:14, 71:13, 89:2, 93:1, 108:17, 116:16, 135:13, 153:14, 164:19, 166:24, 172:6, 192:23, 194:1, 194:13, 222:3, 232:2, 234:8, 240:13, 244:5, 244:6, 244:12, 244:14, 250:16, 284:9, 306:18, 339:4, 342:11, 342:20, 367:1, 367:16, 375:5, 382:21, 388:17, 407:3, 424:23, 425:16, 426:12, 429:17, 435:24, 438:14, 454:19, 454:22, 469:24, 501:5, 511:13, 573:5, 600:4, 615:21, 626:12, 645:5, 649:22, 656:21, 664:4, 668:7, 678:24, 688:14, 697:2, 697:3, 702:17,</p>	<p>711:24, 724:13, 742:19, 746:20, 750:13, 759:9, 762:14, 788:18, 808:19, 838:16, 853:13, 890:5</p> <p>Between [1] - 341:19</p> <p>beware [1] - 106:12</p> <p>bewildered [1] - 37:21</p> <p>Beyond [3] - 686:7, 819:23, 824:22</p> <p>beyond [22] - 81:12, 138:1, 183:13, 183:17, 198:20, 234:10, 268:1, 300:16, 416:9, 455:1, 469:3, 471:6, 611:15, 672:23, 701:4, 725:20, 731:2, 753:1, 808:8, 825:3, 864:14, 879:13</p> <p>biannual [1] - 376:16</p> <p>bias [4] - 422:14, 422:15, 436:3, 832:5</p> <p>biases [1] - 35:5</p> <p>bickering [1] - 68:23</p> <p>Bicknell [21] - 74:15, 731:23, 732:2, 732:18, 733:3, 733:6, 734:23, 758:9, 758:13, 759:12, 759:13, 759:24, 760:2, 792:12, 793:1, 793:14, 793:17, 793:19, 825:23, 826:11, 826:22</p> <p>Bicknell's</p>	<p>[29] - 102:12, 146:1, 146:2, 146:21, 232:25, 233:13, 233:18, 233:25, 236:13, 236:23, 241:10, 241:14, 241:17, 294:22, 295:1, 295:6, 296:20, 296:24, 388:5, 389:3, 400:4, 400:23, 429:25, 462:4, 462:7, 581:18, 581:19, 812:16, 826:14</p> <p>bicycle [1] - 23:10</p> <p>bid [8] - 340:12, 340:14, 537:6, 765:11, 765:15, 765:18, 877:15, 877:25</p> <p>Biddeford [1] - 142:19</p> <p>bidder [1] - 537:9</p> <p>bidding [1] - 765:7</p> <p>big [52] - 60:2, 75:4, 91:3, 110:22, 116:18, 131:2, 131:18, 141:25, 193:20, 215:19, 221:20, 267:14, 291:11, 333:23, 351:17, 351:21, 352:5, 410:7, 430:19, 449:3, 453:3, 454:25, 455:14, 471:8, 476:9, 481:8, 493:10, 505:17, 513:11, 553:8,</p>	<p>561:3, 597:17, 598:19, 648:19, 649:1, 649:2, 650:19, 656:23, 659:5, 694:9, 698:6, 710:22, 710:23, 713:18, 744:21, 760:20, 769:22, 854:19, 855:15, 858:14, 876:20</p> <p>Big [2] - 552:13, 564:7</p> <p>Bigelow [38] - 31:24, 36:21, 36:25, 49:24, 123:21, 123:24, 124:6, 158:23, 205:4, 220:23, 226:6, 329:1, 329:3, 329:12, 341:14, 341:21, 434:21, 435:17, 435:22, 473:16, 478:14, 497:22, 499:13, 547:9, 547:11, 561:24, 566:16, 621:3, 672:16, 700:19, 700:20, 702:8, 738:11, 748:15, 876:3, 876:5, 876:19</p> <p>Bigelows [4] - 534:24, 535:8, 547:14, 692:7</p> <p>bigger [12] - 68:16, 339:7, 345:22, 351:16, 352:10, 352:20, 514:6, 542:25, 653:2, 656:17, 851:10</p> <p>biggest [11] - 55:17, 74:5,</p>	<p>142:20, 173:21, 256:17, 382:13, 382:19, 394:9, 395:3, 520:9, 547:9</p> <p>bikers [2] - 566:25, 891:14</p> <p>bilch [1] - 83:14</p> <p>Bill [11] - 283:20, 335:7, 363:14, 487:5, 511:7, 545:21, 552:1, 675:8, 875:2, 875:5</p> <p>bill [10] - 20:25, 59:15, 112:18, 539:17, 587:7, 821:16, 842:23, 842:25, 843:6, 843:13</p> <p>Bill's [1] - 875:6</p> <p>billion [1] - 382:10</p> <p>bills [2] - 21:5, 823:16</p> <p>Bio [1] - 826:21</p> <p>bio [5] - 455:12, 466:13, 564:13, 817:14, 826:20</p> <p>bio-accumulates [1] - 826:20</p> <p>biologic [1] - 393:22</p> <p>biological [1] - 173:10</p> <p>biologically [1] - 802:18</p> <p>biologist [12] - 130:4, 131:13, 186:6, 229:2, 229:3, 387:11, 387:13, 716:25, 717:5, 792:11, 800:16</p> <p>biologists [3] - 173:11,</p>	<p>228:15, 722:6</p> <p>biology [2] - 119:21, 143:19</p> <p>Biomass [6] - 49:18, 109:13, 339:19, 340:5, 341:22, 514:17</p> <p>biomass [35] - 13:20, 25:24, 26:4, 26:5, 42:21, 49:21, 50:2, 59:20, 123:23, 135:7, 222:10, 340:20, 341:2, 342:3, 475:3, 476:1, 476:18, 479:3, 479:12, 479:14, 479:18, 479:24, 505:15, 514:16, 528:3, 566:16, 632:4, 637:4, 817:21, 852:11, 852:12, 856:14, 877:15, 878:2, 880:9</p> <p>biophysical [1] - 722:14</p> <p>Biradi [1] - 603:3</p> <p>birch [2] - 230:3, 729:24</p> <p>bird [27] - 30:20, 143:21, 145:4, 146:1, 237:20, 238:4, 241:22, 242:9, 242:10, 243:18, 296:12, 305:15, 306:7, 306:14, 306:23, 398:2, 399:2, 731:23, 732:3, 758:15, 760:17, 785:1, 785:3, 785:5, 785:17, 790:21, 795:25</p> <p>Bird [3] - 524:17, 795:20, 796:16</p>	<p>bird's [2] - 732:7, 826:5</p> <p>birds [71] - 47:3, 66:17, 66:25, 69:4, 87:15, 88:20, 89:3, 144:8, 144:12, 144:13, 144:15, 144:17, 144:19, 144:23, 145:6, 145:8, 145:17, 145:20, 146:4, 147:3, 147:4, 233:19, 234:22, 234:24, 235:17, 237:5, 237:8, 237:25, 241:2, 241:23, 242:15, 242:18, 242:24, 243:3, 243:14, 244:3, 294:25, 302:11, 303:13, 304:16, 305:16, 305:23, 306:2, 306:17, 306:18, 307:1, 307:2, 391:7, 391:18, 391:21, 391:25, 399:1, 399:11, 400:7, 487:15, 542:18, 544:18, 556:3, 560:13, 582:14, 582:16, 672:2, 732:5, 733:14, 733:19, 734:25, 790:23, 791:5, 791:13, 792:18, 826:6</p> <p>Birds [2] - 235:2, 237:23</p> <p>birds' [1] - 243:6</p> <p>bit [67] - 9:25, 21:20, 21:22, 91:16, 130:6, 181:6, 184:25, 187:18,</p>
--	--	---	--	--	---	--

<p>187:25, 212:20, 215:17, 218:4, 221:24, 222:6, 231:25, 235:19, 236:13, 239:11, 244:11, 270:15, 272:10, 301:6, 324:1, 346:24, 365:1, 369:5, 385:8, 394:25, 400:20, 401:19, 426:12, 432:7, 434:24, 438:4, 440:25, 476:20, 506:7, 516:6, 520:21, 527:16, 544:1, 552:5, 556:5, 556:9, 563:10, 585:12, 587:14, 588:9, 614:23, 652:14, 689:22, 698:4, 708:22, 709:12, 709:22, 712:21, 733:21, 757:11, 796:2, 820:15, 830:12, 830:19, 832:17, 852:20, 860:23, 885:3 bite [1] - 55:4 Bitterauf [2] - 521:18, 523:17 BITTERAUF [1] - 523:17 black [13] - 83:14, 89:13, 196:11, 231:15, 231:17, 556:3, 658:21, 692:21, 693:1, 734:14, 736:25, 760:14, 873:3 Black [139] - 2:15, 6:9, 6:16, 6:24,</p>	<p>10:18, 13:7, 23:24, 32:1, 36:15, 45:4, 56:6, 56:10, 56:16, 63:21, 71:5, 71:13, 94:24, 98:15, 104:8, 106:22, 110:10, 111:6, 123:15, 132:23, 150:23, 158:4, 158:13, 159:6, 169:7, 171:3, 172:4, 196:11, 197:15, 222:2, 226:11, 231:8, 231:9, 233:23, 251:10, 288:8, 288:15, 288:20, 290:15, 298:7, 298:16, 298:24, 299:20, 302:21, 304:25, 311:11, 314:10, 347:23, 348:4, 348:9, 349:3, 349:21, 350:1, 351:16, 352:21, 356:7, 426:19, 427:19, 428:11, 429:2, 429:19, 429:24, 430:6, 430:10, 430:13, 431:2, 432:9, 433:4, 433:7, 438:18, 439:20, 442:13, 442:20, 443:4, 456:19, 464:5, 464:22, 466:4, 473:11, 477:13, 478:15, 482:9, 489:5, 490:10, 490:21, 494:8, 495:7, 495:22, 499:14, 527:24, 536:11, 554:11, 554:12, 559:24, 560:8, 570:17,</p>	<p>575:21, 576:8, 582:11, 606:22, 606:24, 631:22, 633:25, 634:6, 634:7, 634:9, 634:14, 634:22, 664:13, 687:12, 687:22, 688:5, 688:21, 689:16, 697:13, 713:12, 715:25, 736:20, 755:1, 758:12, 770:22, 770:25, 771:4, 771:22, 772:1, 772:14, 773:7, 780:4, 809:16, 810:1, 810:9, 811:9, 811:14, 811:22, 841:15 blade [7] - 177:12, 222:20, 325:7, 325:22, 642:15, 642:18, 659:16 blades [32] - 27:16, 27:17, 27:18, 27:24, 28:4, 28:13, 30:10, 30:24, 32:4, 36:6, 59:4, 89:1, 91:14, 105:23, 124:18, 124:19, 124:22, 177:11, 222:23, 238:12, 242:4, 325:24, 497:16, 498:9, 544:11, 560:10, 642:11, 660:1, 668:14, 732:11, 795:6 blah [4] - 664:23, 664:24 blah-blah [2] - 664:23,</p>	<p>664:24 blame [2] - 127:15, 533:10 blast [4] - 315:5, 456:7, 725:6, 767:7 blasted [3] - 212:17, 520:3, 743:20 blasting [16] - 196:22, 314:18, 314:20, 477:25, 478:5, 532:4, 532:8, 724:12, 725:3, 725:4, 731:5, 762:8, 762:16, 762:17, 762:21, 766:24 blatant [1] - 31:15 blaze [1] - 677:9 blazed [7] - 605:15, 613:23, 614:5, 625:17, 625:19, 631:7 blazes [1] - 738:8 blazing [1] - 172:11 blend [6] - 93:15, 93:16, 217:11, 223:2, 620:13, 627:11 blended [1] - 482:7 bless [1] - 475:10 blessed [5] - 11:17, 23:22, 596:13, 852:9, 852:11 blight [3] - 68:24, 95:12, 114:15 blindly [1] - 862:9 blinking [2] - 237:16, 666:14 blizzard [1] - 546:14 block [12] - 220:25,</p>	<p>230:21, 232:7, 498:16, 498:19, 648:14, 648:15, 648:23, 648:24, 664:24, 781:1 blocking [2] - 649:3, 665:11 blocks [1] - 648:24 blood [3] - 44:5, 793:18, 826:24 bloom [1] - 798:9 blow [4] - 244:21, 245:20, 487:14, 503:8 blow-downs [1] - 503:8 blowdown [1] - 713:18 blowing [6] - 109:14, 191:22, 191:24, 338:16, 395:9, 853:15 Blowing [1] - 374:1 blown [1] - 313:24 blows [4] - 56:5, 56:6, 63:22, 189:15 blue [15] - 50:6, 177:6, 263:13, 406:16, 605:15, 613:23, 614:5, 625:17, 625:19, 631:7, 658:7, 658:8, 677:9, 781:20 Blue [3] - 119:20, 448:25, 658:6 blue-blaze [1] - 677:9 blue-blazed [7] - 605:15, 613:23, 614:5, 625:17, 625:19, 631:7 blueberry [1] - 119:22</p>	<p>blur [1] - 660:6 blurred [1] - 606:17 BMA [2] - 173:20, 174:5 Board [2] - 138:9, 306:23 board [28] - 62:7, 121:17, 189:14, 189:20, 190:3, 190:9, 190:14, 331:22, 450:15, 450:18, 468:1, 473:22, 484:6, 487:1, 529:21, 529:25, 530:7, 549:13, 552:6, 552:18, 557:3, 566:24, 591:21, 632:2, 802:5, 837:20, 846:22, 847:3 boards [2] - 637:11, 637:17 boat [2] - 22:20, 681:2 boating [2] - 52:16, 94:8 Bob [17] - 131:23, 131:24, 149:18, 228:13, 228:14, 304:1, 304:8, 453:9, 494:1, 500:1, 500:3, 509:6, 520:22, 555:4, 556:20, 847:3 Bob's [1] - 304:1 Bobby [1] - 556:23 bodies [1] - 221:7 body [4] - 243:16, 747:2, 752:6, 787:24 body's [1] - 276:16 Boeing [1] - 733:23 Bog [2] - 234:3, 728:2 bog [40] - 74:14, 173:6,</p>	<p>233:5, 234:5, 236:12, 242:13, 297:16, 297:24, 298:2, 298:5, 299:5, 299:16, 299:21, 299:22, 300:4, 300:6, 390:10, 390:12, 397:1, 720:13, 727:14, 727:18, 727:21, 727:23, 728:18, 729:1, 729:4, 729:10, 729:12, 729:18, 730:4, 730:7, 730:11, 730:13, 730:15, 730:23, 761:23, 762:4, 762:7 bogged [1] - 215:19 bogs [2] - 25:3, 730:18 bomb [2] - 281:1, 468:21 bombs [1] - 725:4 Bon [1] - 556:2 bona [1] - 135:5 bond [1] - 450:3 bonding [5] - 450:8, 450:11, 450:12, 450:19 book [10] - 219:16, 252:10, 433:24, 491:11, 491:16, 491:21, 517:2, 517:9, 598:16, 665:17 boomers [1] - 108:24 boosts [1] - 663:19 Boothbay [1] - 119:6 Boralex [2] -</p>
---	--	---	---	---	---	--

<p>148:8, 711:8 border [3] - 206:10, 409:15, 546:7 boundaries [2] - 819:13, 884:8 bore [1] - 714:5 borings [1] - 394:1 born [16] - 35:4, 110:7, 110:11, 122:17, 128:4, 141:8, 448:25, 467:5, 492:13, 508:8, 516:20, 518:3, 523:24, 526:8, 538:16, 739:3 borne [1] - 823:1 Boston [8] - 263:9, 374:4, 431:5, 445:5, 445:7, 501:23, 558:3, 847:12 botany [1] - 459:17 bother [2] - 446:7, 516:6 bothered [1] - 514:9 bottled [1] - 344:10 bottleneck [6] - 232:8, 342:20, 343:5, 344:10, 344:12, 409:14 bottles [2] - 65:17, 65:19 bottom [11] - 72:9, 87:22, 166:16, 228:22, 241:10, 247:5, 300:1, 337:7, 406:21, 481:24, 561:18 bottoms [2] - 243:3, 712:23 bought [12] - 125:19, 135:11, 272:18, 274:23, 274:25,</p>	<p>275:15, 479:13, 548:15, 548:18, 575:3, 738:13 boulder [1] - 772:16 boulders [2] - 218:22, 713:19 bouldery [1] - 395:20 boundaries [8] - 150:17, 155:23, 286:23, 286:24, 487:15, 781:13, 800:14, 890:16 Boundary [4] - 149:22, 150:4, 737:20 boundary [5] - 96:6, 149:23, 150:11, 503:5, 556:9 boutiques [1] - 254:21 bowl [3] - 96:4, 621:16, 621:22 box [8] - 142:9, 300:2, 474:2, 573:20, 886:4, 886:6, 886:18, 886:19 boxes [2] - 571:14 boy [4] - 71:8, 496:7, 508:8, 591:7 boys' [1] - 503:14 Brad [1] - 116:22 BRADSHA W [1] - 566:8 Bradshaw [2] - 559:12, 566:8 Bradstreet [1] - 563:3 BRADSTRE ET [1] - 563:4 brain [3] - 513:14, 568:1, 863:16</p>	<p>brainer [1] - 470:20 brainstormi ng [1] - 400:11 brake [1] - 384:13 brakes [3] - 334:25, 384:12, 717:21 Branch [2] - 36:18, 552:14 branch [2] - 110:7, 376:21 branches [2] - 656:17, 656:18 brand [2] - 620:25, 795:5 branding [1] - 821:20 break [28] - 44:9, 47:1, 72:21, 112:13, 115:5, 136:22, 139:16, 252:20, 282:19, 282:20, 283:12, 359:19, 426:6, 440:19, 453:24, 512:10, 512:15, 520:7, 680:4, 680:8, 680:10, 704:25, 705:1, 723:6, 723:9, 756:12 break-even [1] - 136:22 breakdown [1] - 59:14 breakfast [1] - 483:2 breaking [1] - 105:17 breakout [6] - 292:14, 292:15, 292:19, 293:1, 293:2, 400:10 breaks [7] - 50:21, 53:3, 98:22, 114:23, 115:7, 227:2, 309:21 breathe [5] - 21:9, 21:24,</p>	<p>565:6, 568:2, 858:13 breather [1] - 723:7 breed [1] - 122:15 Breeding [1] - 301:11 breeding [8] - 462:7, 729:16, 731:24, 732:7, 733:10, 733:13, 758:15, 759:21 Brent [2] - 199:25, 614:25 Breton [1] - 759:23 bricks [1] - 656:21 bridge [6] - 33:20, 33:24, 34:7, 619:8, 763:17, 765:22 Bridge [2] - 33:14, 33:15 bridges [2] - 804:3, 804:8 Bridgeton [1] - 477:17 brief [23] - 1:18, 2:2, 5:12, 5:13, 147:14, 156:2, 174:18, 184:10, 220:12, 228:18, 229:10, 239:13, 442:2, 452:2, 496:22, 525:14, 528:9, 556:1, 593:24, 684:25, 687:25, 699:8, 847:4 briefly [21] - 4:20, 5:10, 70:22, 101:8, 187:17, 228:20, 388:2, 406:3, 502:7, 521:21, 535:23, 544:6, 587:2, 644:7, 645:5, 687:19,</p>	<p>733:5, 792:24, 818:9, 834:6, 834:15 bright [7] - 467:16, 546:20, 560:11, 609:10, 651:17, 658:9, 666:4 bring [29] - 3:5, 12:14, 16:3, 25:14, 26:6, 27:2, 27:5, 32:9, 82:15, 101:7, 115:10, 310:1, 311:6, 451:11, 452:9, 453:5, 457:24, 474:2, 482:18, 496:18, 557:13, 568:20, 571:20, 584:10, 717:7, 824:23, 838:23, 862:22, 891:21 bringing [6] - 44:9, 201:20, 326:16, 483:10, 563:24, 817:2 brings [10] - 10:21, 32:10, 32:11, 103:21, 148:17, 246:10, 342:10, 548:15, 548:21, 891:18 broad [5] - 488:3, 496:18, 529:22, 792:6, 844:8 broadened [1] - 529:21 broader [2] - 134:8, 599:24 broadly [1] - 834:24 brochure [2] - 318:13, 318:16 brochures [1] - 318:19 Broderick [1]</p>	<p>- 96:12 Brody [1] - 806:1 broke [1] - 710:11 broken [2] - 116:15, 116:17 Brooklin [1] - 22:13 brother [1] - 91:21 Brothers [1] - 33:21 brought [13] - 12:13, 35:4, 154:12, 423:18, 467:5, 508:7, 511:23, 590:15, 697:9, 738:25, 788:21, 788:22, 832:18 BROWN [24] - 359:23, 360:18, 362:12, 362:14, 363:1, 364:5, 364:15, 365:14, 366:2, 366:6, 367:8, 368:5, 368:22, 369:1, 370:16, 370:22, 370:23, 371:20, 372:7, 372:8, 373:1, 556:21, 707:24, 838:19 brown [2] - 166:13, 280:13 Brown [23] - 285:11, 287:22, 288:2, 288:12, 289:11, 290:6, 291:16, 291:20, 298:15, 298:15, 359:23, 362:21, 555:4, 556:22, 556:23, 680:19, 707:22, 707:23, 753:15, 755:5, 768:11,</p>	<p>768:13, 838:20, 845:24, 846:4 Brown's [8] - 285:4, 285:18, 288:9, 288:18, 288:23, 288:25, 289:12, 289:15 Bruce [5] - 180:25, 259:24, 264:5, 359:9, 834:18 Brunswick [5] - 80:5, 130:1, 506:2, 759:23, 820:5 brush [2] - 227:14, 458:16 BTU [1] - 475:22 bucket [2] - 35:18, 107:16 bucket [1] - 144:5 Buckminste r [1] - 68:8 bucks [1] - 855:16 Bucksport [1] - 33:24 bucolic [1] - 516:5 Bud [21] - 285:4, 285:11, 285:18, 287:22, 288:2, 288:9, 288:12, 288:18, 288:23, 288:25, 289:11, 289:12, 289:15, 290:6, 291:16, 291:20, 298:15, 707:22, 707:23, 753:13, 755:7 budget [2] - 260:21, 670:25 budgeting [1] - 765:7 budgets [1] - 765:20 budworm [5]</p>
--	--	---	---	---	--	---

<p>- 102:5, 229:15, 709:1, 729:22, 739:8 Buffalo [2] - 794:8, 794:16 buffer [5] - 174:8, 300:15, 300:20, 390:21, 725:9 buffers [2] - 456:8, 716:1 bug [1] - 756:16 bugs [1] - 58:1 build [63] - 25:19, 27:15, 78:3, 83:24, 107:22, 108:14, 120:1, 120:4, 120:5, 120:6, 131:6, 167:3, 167:5, 167:13, 169:6, 170:12, 175:4, 175:8, 175:10, 176:11, 177:12, 192:16, 192:20, 193:7, 193:16, 197:18, 254:17, 358:19, 363:24, 379:16, 408:13, 409:12, 452:23, 452:25, 455:22, 456:20, 478:2, 487:3, 504:3, 519:22, 558:22, 568:9, 712:2, 713:24, 714:8, 725:19, 755:10, 755:22, 765:24, 772:23, 772:24, 772:25, 804:2, 852:21, 853:25, 855:21, 855:25, 856:1, 881:1, 888:13 builder [1] - 555:7</p>	<p>Building [2] - 591:12, 705:4 building [48] - 2:21, 6:21, 33:20, 40:14, 46:7, 68:16, 130:10, 142:21, 148:24, 151:5, 158:21, 165:18, 167:20, 190:21, 193:16, 271:7, 296:13, 315:10, 315:22, 420:19, 427:18, 429:4, 443:1, 449:8, 449:9, 456:4, 477:15, 487:13, 490:2, 500:7, 546:18, 546:21, 546:22, 551:5, 558:20, 725:15, 725:22, 731:4, 738:20, 743:23, 773:2, 773:19, 804:8, 807:3, 808:2, 827:8, 827:9 buildings [7] - 18:12, 24:4, 203:23, 500:10, 547:16, 619:1, 656:19 builds [1] - 200:23 built [68] - 26:4, 27:4, 28:18, 62:17, 88:20, 104:17, 147:24, 148:9, 149:5, 172:25, 175:12, 176:8, 192:18, 257:4, 273:8, 281:18, 308:21, 341:23, 342:4, 351:18, 355:20, 408:12, 409:21, 410:14, 419:17, 421:8, 421:19,</p>	<p>426:25, 438:2, 466:8, 504:6, 508:23, 517:5, 537:17, 585:23, 590:17, 590:24, 591:3, 591:20, 594:5, 621:6, 641:22, 654:10, 656:2, 677:1, 709:16, 723:21, 724:17, 725:20, 726:6, 737:21, 763:6, 767:13, 767:19, 775:7, 790:8, 792:3, 794:21, 855:9, 860:4, 878:23, 879:25, 880:4, 881:7, 881:8, 881:12, 881:14 bulb [4] - 35:22, 804:17, 805:1 bulbs [1] - 804:20 bull [1] - 546:12 bulldozed [1] - 738:6 bullets [1] - 55:8 BULOW [6] - 176:17, 188:25, 334:12, 334:21, 362:10, 367:25 Bulow [8] - 176:17, 366:3, 366:5, 368:4, 377:25, 378:2, 384:5, 384:7 bunch [2] - 91:1, 120:5 bundle [2] - 839:23, 840:7 burden [4] - 77:23, 254:1, 454:3, 507:3 Burlington [1] - 505:5 burn [6] - 50:3, 121:4, 153:14, 280:19,</p>	<p>383:10, 531:16 burned [1] - 138:4 Burning [2] - 412:12, 514:17 burning [16] - 50:5, 61:4, 85:7, 92:2, 97:9, 103:7, 265:16, 417:16, 417:23, 508:16, 514:17, 518:12, 826:20, 841:20, 842:3, 873:3 burns [1] - 120:4 Burnt [3] - 123:14, 123:15, 124:6 Burt [3] - 69:23, 71:2, 71:3 burying [1] - 225:18 bus [5] - 31:8, 82:18, 82:21, 115:11, 471:22 bused [1] - 519:16 buses [1] - 45:19 Bush [3] - 202:12, 819:21, 866:15 bushwhack [1] - 123:10 business [53] - 3:9, 10:9, 11:3, 19:24, 56:15, 64:10, 99:2, 142:15, 156:19, 161:15, 164:1, 165:18, 168:6, 181:10, 185:9, 190:2, 200:7, 253:8, 253:9, 254:5, 255:7, 260:21, 261:2, 268:8, 268:23, 271:22, 275:4, 275:19, 276:2,</p>	<p>276:9, 350:17, 359:13, 363:13, 363:20, 439:11, 444:23, 466:1, 476:9, 505:1, 525:17, 549:17, 550:19, 550:21, 557:23, 557:24, 558:11, 587:1, 610:21, 765:22, 836:24, 848:19 businesses [24] - 107:25, 180:23, 254:4, 254:14, 260:3, 260:16, 262:15, 267:19, 267:21, 268:6, 268:8, 268:10, 280:11, 483:1, 483:3, 816:20, 823:15, 835:10, 835:20, 836:4, 836:13, 837:19, 839:15 Businesses [1] - 274:15 bust [1] - 655:21 busy [1] - 231:13 butt [1] - 713:15 buy [50] - 36:7, 79:11, 94:3, 120:24, 142:12, 165:19, 260:9, 260:12, 261:1, 268:10, 271:8, 272:13, 272:17, 272:23, 273:14, 273:18, 274:4, 274:6, 274:7, 274:8, 274:13, 274:15, 274:19, 274:20,</p>	<p>274:21, 275:22, 278:14, 278:19, 280:12, 340:5, 465:22, 465:23, 548:16, 550:13, 550:14, 550:16, 550:18, 557:19, 574:23, 586:7, 834:13, 834:22, 836:5, 836:9, 836:22, 836:25, 838:6, 858:24 buyer [2] - 167:24, 570:16 buyers [1] - 836:23 buying [9] - 12:23, 256:19, 273:19, 273:22, 274:14, 276:20, 573:19, 629:19, 835:14 buys [4] - 272:8, 273:11, 274:10, 276:13 BY [109] - 285:1, 304:7, 307:13, 316:6, 318:12, 318:18, 321:8, 322:8, 329:23, 334:4, 334:13, 334:22, 336:11, 340:24, 341:11, 344:19, 349:12, 353:8, 357:3, 360:18, 362:14, 365:14, 366:6, 367:8, 368:5, 369:1, 370:23, 372:8, 373:18, 374:11, 376:13, 378:3, 379:3, 379:13, 381:5, 382:3,</p>	<p>384:6, 387:24, 389:13, 391:5, 392:15, 394:16, 396:24, 397:19, 411:23, 412:25, 414:17, 417:4, 418:23, 419:14, 420:13, 422:2, 422:8, 423:11, 570:13, 570:25, 574:9, 583:14, 584:16, 590:2, 590:23, 631:15, 638:23, 640:3, 642:23, 643:14, 644:10, 671:6, 675:7, 699:23, 751:14, 753:16, 755:6, 757:7, 757:24, 760:12, 761:14, 763:2, 768:12, 770:20, 771:10, 775:5, 777:4, 778:21, 780:16, 783:22, 784:21, 792:25, 797:5, 805:14, 807:12, 807:18, 809:3, 829:17, 834:10, 837:16, 839:13, 841:7, 842:13, 843:21, 845:23, 874:24, 875:8, 878:11, 883:4, 883:21, 884:18, 887:13, 891:2 byway [2] - 221:9, 222:2 byways [2] - 252:3, 611:10</p>
C						
cabbages [1]						

<p>- 657:25 cabinet [1] - 544:2 cable [1] - 33:14 CAD [3] - 632:7, 710:10, 766:3 Cadillac [3] - 318:6, 445:22, 737:7 cake [2] - 479:23, 532:10 calcification [3] - 416:1, 416:4, 416:9 calculate [8] - 306:1, 366:11, 404:1, 412:16, 606:2, 608:16, 608:22, 825:12 calculated [4] - 425:18, 589:12, 767:2, 888:4 calculation [8] - 309:6, 420:21, 450:23, 564:21, 583:18, 833:12, 886:3, 887:23 calculations [8] - 412:9, 724:14, 734:18, 766:23, 767:1, 885:12, 886:14, 888:8 CALHOUN [1] - 716:20 Calhoun [8] - 292:4, 680:20, 707:22, 716:18, 716:23, 771:7, 771:9, 771:11 California [21] - 46:24, 58:9, 93:5, 110:22, 112:6, 117:3, 118:3, 118:8, 125:22, 126:14, 185:4, 332:9, 444:25, 476:9, 497:2,</p>	<p>513:13, 544:16, 641:19, 789:19, 790:24, 808:15 California-based [1] - 110:22 Camden [1] - 580:15 camera [2] - 606:11, 660:24 cameras [2] - 608:6, 661:4 Camp [1] - 80:13 camp [11] - 37:9, 133:4, 487:14, 504:3, 504:6, 504:13, 525:24, 540:13, 567:11, 567:12, 666:16 campaign [1] - 488:9 Campaign [1] - 488:16 camper [1] - 130:2 campers [2] - 80:22, 568:14 campgroun [1] - 133:2 camping [2] - 525:23, 666:14 Campobello [1] - 759:23 camp [2] - 94:3, 94:8 campsite [3] - 703:11, 703:13, 703:14 campus [1] - 465:21 Canada [9] - 69:4, 96:6, 200:12, 232:17, 431:13, 501:8, 540:22, 783:1, 784:10 Canada's [1] - 783:4 Canadian [4]</p>	<p>- 206:10, 406:21, 506:22, 540:23 candidate [1] - 474:22 candy [1] - 474:2 cannon [1] - 485:14 cannot [22] - 27:25, 56:8, 73:23, 88:12, 88:13, 150:16, 306:25, 397:1, 490:7, 533:6, 539:4, 560:11, 576:8, 597:5, 599:16, 608:18, 670:7, 694:13, 694:14, 728:22, 729:1, 732:20 canoe [1] - 122:21 Canoe [1] - 483:6 canoeing [1] - 62:11 canvas [1] - 69:10 Canyon [2] - 640:20, 641:1 Cap [3] - 36:21, 58:25, 403:21 cap [19] - 277:7, 565:11, 611:24, 858:11, 858:19, 859:3, 860:19, 865:9, 866:13, 867:2, 867:3, 868:17, 881:23, 881:25, 882:2, 882:5, 882:15, 882:18, 882:23 Cap-Chat [1] - 58:25 capabilities [2] - 10:23, 55:3 capability [2] - 170:12, 434:23 capable [4] - 26:21, 164:23,</p>	<p>165:9, 165:13 capacities [1] - 496:11 capacity [84] - 42:21, 43:2, 69:17, 84:19, 84:21, 84:23, 84:25, 101:13, 101:14, 106:24, 107:4, 170:17, 174:25, 189:4, 189:6, 189:10, 264:23, 351:21, 360:1, 360:3, 362:5, 369:12, 371:9, 371:13, 371:14, 372:13, 392:17, 436:25, 437:3, 449:17, 450:25, 479:15, 528:13, 528:21, 587:3, 587:15, 587:17, 587:22, 587:23, 588:1, 588:6, 589:5, 589:14, 590:9, 600:17, 813:1, 819:3, 819:13, 839:16, 840:5, 840:6, 842:21, 843:7, 843:11, 849:16, 852:22, 852:23, 853:7, 853:15, 853:18, 853:19, 861:6, 861:10, 861:14, 861:18, 861:20, 861:25, 869:2, 869:8, 873:2, 876:23, 877:3, 878:22, 887:11, 887:15, 887:19, 888:4, 888:5, 888:10, 888:13, 888:16, 888:18, 888:19, 888:21</p>	<p>Cape [16] - 374:2, 375:5, 376:3, 409:4, 413:6, 413:13, 413:20, 413:22, 423:2, 430:8, 759:23, 832:23, 832:25, 833:5, 833:7, 833:10 capital [19] - 62:20, 63:9, 63:16, 182:16, 182:22, 192:22, 192:24, 193:15, 331:9, 331:15, 332:4, 439:13, 587:11, 587:24, 744:22, 823:22, 848:3 caps [5] - 56:22, 277:4, 866:6, 866:9, 866:11 caption [1] - 787:23 capture [4] - 535:1, 608:7, 660:21, 661:1 captured [1] - 856:17 car [9] - 82:19, 115:12, 412:13, 412:16, 412:22, 455:12, 531:17, 564:18, 863:2 Carbon [2] - 835:9, 835:19 carbon [32] - 55:6, 58:5, 64:23, 79:5, 87:11, 87:14, 115:13, 115:16, 116:1, 146:15, 188:7, 402:12, 403:16, 412:13, 415:11, 416:1, 416:14, 514:17, 542:12, 581:23, 582:1, 582:3, 582:4,</p>	<p>679:9, 825:13, 825:15, 825:18, 871:18, 871:20, 871:23, 872:2 carbon-based [1] - 64:23 carbon-neutral [1] - 79:5 carcasses [1] - 144:22 cards [1] - 522:10 care [18] - 83:2, 90:24, 104:12, 110:23, 128:12, 152:5, 152:7, 470:4, 484:1, 487:17, 541:13, 542:18, 542:24, 567:7, 567:11, 569:7, 599:16, 686:23 career [5] - 152:4, 257:17, 723:16, 749:7, 830:25 Careful [1] - 725:13 careful [4] - 107:12, 489:4, 550:2, 790:6 carefully [5] - 131:5, 490:15, 523:8, 585:4, 825:23 cares [1] - 693:10 Caribou [1] - 741:20 caring [1] - 62:21 Carley [2] - 147:8, 149:11 Carole [1] - 454:9 Carolina [4] - 623:6, 623:10, 623:22, 623:25 Carolina/Tennessee [1] - 748:3 carpet [1] -</p>	<p>21:12 Carrabasset [18] - 36:25, 58:19, 71:21, 138:11, 158:25, 159:3, 255:6, 255:7, 266:15, 267:2, 471:1, 471:7, 525:20, 567:11, 735:12, 769:14, 890:4 carried [4] - 4:22, 374:18, 374:21, 486:9 CARROLL [2] - 624:21, 625:23 Carroll [6] - 1:12, 16:18, 109:24, 155:6, 455:7, 624:22 carrots [1] - 301:23 Carry [1] - 106:15 carry [3] - 342:7, 464:20, 504:25 carrying [4] - 238:2, 412:2, 412:8, 451:1 Carrying [1] - 521:23 cars [8] - 82:20, 115:7, 120:5, 265:15, 531:17, 560:9, 564:17 Cartland [1] - 36:25 cartoon [1] - 83:18 carving [1] - 567:18 Cascades [1] - 501:7 Casco [1] - 477:9 case [55] - 170:9, 188:10, 194:15, 224:7, 245:14, 248:8, 327:5, 328:14, 328:21, 330:4, 331:24, 363:4, 364:10, 379:6, 401:21, 405:5, 422:16, 423:5,</p>
---	---	---	---	--	--	---

<p>424:7, 426:13, 457:11, 460:24, 469:14, 497:11, 507:2, 576:21, 593:5, 593:18, 616:13, 617:20, 617:25, 620:14, 632:21, 632:23, 657:9, 669:19, 673:18, 676:15, 681:18, 682:11, 684:2, 687:14, 692:6, 698:3, 699:1, 740:14, 753:3, 835:19, 839:22, 840:8, 861:16, 865:6, 872:1, 878:6, 885:13</p> <p>casenrate [1] - 857:17</p> <p>cases [19] - 177:20, 217:15, 290:9, 337:21, 403:7, 403:8, 462:25, 665:2, 669:24, 670:8, 678:4, 699:5, 750:21, 850:10, 858:6, 861:16, 870:6, 870:7, 878:3</p> <p>cash [1] - 280:4</p> <p>Cassidy [1] - 754:4</p> <p>cast [4] - 628:3, 628:4, 641:13, 757:2</p> <p>Castine [3] - 132:5, 133:19, 133:21</p> <p>casting [1] - 877:2</p> <p>CAT [1] - 605:2</p> <p>catalog [1] - 662:17</p> <p>catalyzed [1] - 530:20</p> <p>catastroph c [4] - 27:23, 237:9, 468:19,</p>	<p>468:23</p> <p>catch [9] - 206:14, 334:18, 334:23, 384:14, 547:1, 681:2, 781:24, 782:2, 782:5</p> <p>catching [1] - 218:13</p> <p>categoricall y [1] - 749:15</p> <p>categories [5] - 338:19, 611:19, 611:20, 615:21, 682:25</p> <p>category [2] - 629:13, 748:5</p> <p>caterpillars [1] - 66:13</p> <p>Catherine [5] - 1:12, 109:24, 155:6, 620:18, 624:22</p> <p>cattle [1] - 456:21</p> <p>caught [1] - 422:5</p> <p>caused [7] - 12:10, 114:17, 144:18, 145:13, 148:23, 410:6, 541:3</p> <p>causes [6] - 55:10, 107:25, 258:1, 334:25, 447:24, 581:4</p> <p>causing [6] - 47:7, 179:16, 265:7, 523:3, 679:9, 835:2</p> <p>caution [4] - 296:18, 296:21, 667:19, 706:13</p> <p>cautions [1] - 296:21</p> <p>cautious [1] - 370:4</p> <p>cavalier [1] - 458:13</p> <p>caveats [1] - 52:9</p> <p>caves [1] - 792:7</p> <p>Cazenovia</p>	<p>[1] - 665:15</p> <p>CCC [1] - 406:20</p> <p>ceiling [1] - 88:25</p> <p>ceiliometer [2] - 234:17, 391:19</p> <p>celebrate [2] - 558:5, 558:24</p> <p>celebrates [1] - 529:19</p> <p>celebrating [1] - 69:16</p> <p>celestial [1] - 105:22</p> <p>cell [9] - 30:1, 238:8, 238:9, 238:11, 240:15, 446:6, 637:5, 669:20, 798:21</p> <p>cells [4] - 223:17, 239:25, 240:3, 240:13</p> <p>Celsius [2] - 81:12, 366:9</p> <p>Cement [1] - 117:5</p> <p>cement [3] - 452:24, 453:2, 453:3</p> <p>cent [3] - 350:16, 589:21</p> <p>Center [3] - 152:9, 668:8, 688:8</p> <p>center [6] - 47:15, 197:14, 429:12, 489:3, 529:16, 732:7</p> <p>centered [1] - 143:23</p> <p>centerline [8] - 286:18, 289:10, 289:14, 290:13, 291:17, 293:17, 770:11</p> <p>centerlines [3] - 311:14, 715:16</p> <p>centers [4] - 53:13, 64:22, 152:6, 249:16</p>	<p>Centigrade [1] - 825:2</p> <p>Central [12] - 49:6, 85:19, 111:17, 142:1, 257:18, 259:17, 268:17, 358:10, 532:21, 591:3, 875:15, 875:24</p> <p>central [7] - 58:13, 58:24, 85:23, 357:17, 555:9, 802:19, 885:19</p> <p>cents [13] - 142:12, 181:21, 182:21, 281:9, 434:19, 436:10, 451:2, 451:4, 587:18, 846:10, 846:13, 865:2, 866:1</p> <p>centuries [2] - 75:20, 77:6</p> <p>Century [4] - 469:21, 469:22, 500:10, 541:1</p> <p>century [6] - 18:11, 62:6, 76:19, 132:9, 497:9, 541:6</p> <p>CEO [1] - 41:11</p> <p>certain [54] - 59:9, 66:21, 74:13, 207:16, 212:18, 215:1, 239:24, 244:10, 250:19, 252:8, 252:10, 264:16, 287:22, 319:4, 319:25, 327:11, 332:4, 332:16, 332:18, 356:17, 366:18, 386:4, 394:10, 439:9, 458:23, 476:17, 490:19, 490:24,</p>	<p>494:24, 495:9, 511:8, 539:15, 551:6, 563:5, 579:12, 590:1, 590:4, 590:8, 590:9, 625:10, 666:25, 682:23, 698:20, 698:21, 724:24, 726:2, 733:17, 733:18, 740:8, 770:8, 798:9, 799:12</p> <p>Certainly [6] - 39:20, 106:4, 136:22, 237:18, 579:25, 651:24</p> <p>certainly [64] - 29:9, 30:25, 39:2, 39:5, 39:12, 39:15, 40:3, 40:9, 60:19, 60:22, 61:7, 61:13, 74:13, 77:14, 125:1, 125:2, 132:24, 135:9, 136:6, 136:19, 136:21, 144:6, 144:24, 154:8, 185:22, 190:7, 206:2, 208:19, 212:4, 250:20, 313:4, 321:23, 363:5, 363:20, 364:10, 386:17, 400:12, 460:11, 497:5, 498:12, 498:18, 545:2, 545:3, 552:20, 552:25, 553:1, 557:12, 602:3, 609:17, 617:24, 621:9, 654:7, 665:13, 676:7, 677:8, 687:19, 728:8, 730:17, 730:23, 733:17, 758:20, 786:22, 801:16, 867:12</p> <p>certainty [2] -</p>	<p>260:21, 413:19</p> <p>certificate [1] - 820:25</p> <p>certificates [2] - 276:4, 435:1</p> <p>certification [1] - 821:19</p> <p>certification [1] - 84:13</p> <p>certified [14] - 84:14, 85:25, 204:17, 228:14, 368:7, 368:8, 368:9, 368:12, 368:16, 368:17, 368:21, 771:13, 771:16</p> <p>cetera [9] - 83:5, 254:8, 254:21, 450:10, 623:12, 625:12, 688:9, 747:13</p> <p>CFC [1] - 449:5</p> <p>CFC-free [1] - 449:5</p> <p>CFCs [1] - 449:2</p> <p>CFS [2] - 769:10, 769:13</p> <p>chain [1] - 32:2</p> <p>Chair [7] - 73:12, 252:23, 363:2, 386:2, 393:7, 815:3, 890:22</p> <p>CHAIR [346] - 1:3, 5:8, 9:19, 16:13, 20:6, 22:1, 23:14, 24:21, 32:16, 32:20, 33:7, 33:23, 34:3, 34:7, 34:10, 34:13, 34:17, 34:20, 34:24, 35:2, 36:2, 36:4, 38:5, 41:8, 44:17, 44:21, 46:17, 48:24, 51:12,</p>	<p>54:1, 57:3, 60:6, 60:12, 61:21, 64:17, 65:5, 67:10, 67:13, 69:23, 71:2, 72:23, 73:7, 73:11, 75:12, 75:15, 78:6, 80:2, 81:19, 84:2, 88:5, 91:18, 93:19, 96:11, 97:19, 98:24, 99:1, 100:9, 103:16, 105:4, 106:15, 109:15, 109:17, 113:9, 113:15, 116:3, 119:11, 122:11, 125:13, 126:23, 127:1, 127:3, 127:7, 129:22, 131:22, 133:15, 133:17, 134:20, 134:22, 139:11, 139:14, 139:18, 139:23, 140:24, 143:12, 147:7, 149:10, 149:16, 153:23, 154:24, 157:18, 162:17, 162:24, 163:4, 163:16, 174:13, 174:15, 179:25, 180:3, 180:8, 186:9, 186:25, 194:19, 204:22, 207:19, 209:16, 210:15, 215:10, 215:16, 216:2, 216:4, 217:19, 217:23, 219:3, 219:5, 219:7, 219:11, 219:15,</p>
--	--	---	--	---	--	---

<p>219:25, 237:3, 238:21, 239:18, 245:22, 252:19, 252:22, 253:1, 266:9, 271:24, 273:11, 274:6, 274:10, 275:3, 275:9, 275:11, 277:13, 278:3, 282:8, 283:14, 321:6, 333:25, 334:19, 335:14, 335:20, 335:25, 340:22, 343:24, 344:8, 344:13, 356:22, 359:21, 370:20, 373:2, 373:7, 373:10, 381:24, 383:19, 383:21, 385:1, 385:18, 386:9, 386:23, 387:2, 387:18, 401:4, 410:24, 411:19, 417:1, 419:8, 421:22, 422:6, 426:1, 426:3, 439:17, 439:24, 440:18, 441:12, 441:24, 443:19, 444:2, 448:4, 448:15, 448:21, 454:7, 454:9, 455:5, 457:16, 463:14, 464:25, 466:22, 467:24, 470:23, 473:25, 477:3, 480:21, 482:22, 484:13, 486:22, 487:4, 487:7, 487:10, 494:1, 496:2, 500:1, 502:25, 505:25, 509:19, 512:10, 512:17,</p>	<p>516:17, 518:1, 521:14, 521:17, 523:15, 525:11, 527:12, 527:16, 529:11, 531:6, 532:15, 532:17, 533:22, 537:22, 540:4, 543:20, 545:20, 549:9, 555:2, 556:20, 559:10, 559:16, 560:19, 561:9, 561:13, 561:17, 563:3, 566:5, 566:10, 569:8, 569:16, 569:20, 570:2, 570:4, 570:7, 570:10, 570:19, 570:19, 570:24, 582:22, 582:24, 583:3, 585:7, 585:11, 586:24, 590:13, 591:23, 592:15, 593:15, 594:13, 594:24, 610:17, 620:18, 622:11, 622:15, 622:19, 622:25, 623:4, 627:24, 628:1, 630:19, 631:10, 644:5, 646:23, 647:7, 664:16, 668:2, 669:9, 670:21, 671:3, 675:4, 679:24, 680:2, 680:7, 680:13, 690:11, 693:4, 696:19, 699:13, 699:19, 707:4, 707:7, 707:9, 707:18, 723:1, 723:11, 726:24, 727:1, 727:7, 735:5,</p>	<p>739:15, 746:12, 751:3, 751:6, 753:12, 760:12, 760:25, 776:24, 796:23, 807:9, 808:17, 814:16, 814:22, 815:1, 815:5, 815:7, 815:13, 829:6, 829:10, 841:2, 842:7, 842:10, 846:16, 859:19, 859:21, 860:2, 860:6, 860:11, 860:14, 861:2, 862:4, 863:6, 863:11, 863:14, 866:3, 867:6, 867:19, 875:2, 878:9, 883:3, 883:16, 887:12, 888:23, 889:11, 890:20, 890:24, 891:17, 892:11, 892:21, 893:21 chair [6] - 16:22, 482:6, 547:2, 830:4, 847:3, 867:19 chair's [1] - 284:12 Chairman [52] - 9:20, 10:3, 20:8, 22:11, 23:19, 25:6, 38:7, 41:10, 84:4, 116:10, 135:1, 163:3, 163:9, 179:19, 219:8, 219:24, 333:19, 335:6, 336:3, 359:24, 362:21, 370:16, 371:16, 371:20, 385:15, 386:21, 401:8, 416:21, 444:21, 491:5, 560:21,</p>	<p>595:12, 643:12, 644:4, 644:7, 680:14, 707:3, 707:21, 707:24, 716:20, 727:11, 739:16, 776:19, 777:3, 780:12, 796:22, 839:11, 841:1, 867:8, 874:20, 890:19, 892:6 CHAIRMAN [2] - 22:8, 647:3 chairman [7] - 1:4, 16:12, 70:7, 154:25, 459:9, 563:12, 592:21 chairs [1] - 520:23 Challenge [2] - 835:10, 835:19 challenge [9] - 76:11, 110:18, 408:17, 430:15, 433:17, 492:23, 557:13, 557:14, 558:9 challenged [1] - 537:1 challenges [5] - 54:10, 482:14, 558:13, 773:21, 820:7 challenging [2] - 54:8, 486:14 Chamber [1] - 107:5 chambers [1] - 493:21 chance [16] - 18:4, 58:14, 61:25, 78:4, 80:23, 100:12, 143:17, 177:21, 288:21, 288:24, 504:10, 515:11, 540:7,</p>	<p>559:2, 671:14, 879:25 Change [2] - 406:3, 482:12 change [109] - 4:8, 18:1, 18:5, 18:18, 18:21, 19:2, 23:25, 24:1, 24:16, 50:2, 50:9, 54:25, 78:20, 78:23, 79:13, 80:18, 92:11, 118:24, 120:9, 120:13, 120:14, 120:17, 121:10, 121:12, 121:14, 122:8, 129:14, 132:11, 151:7, 184:17, 184:19, 193:15, 194:2, 236:24, 248:3, 248:4, 269:6, 278:7, 343:6, 402:20, 406:11, 415:4, 415:20, 415:22, 458:18, 465:24, 467:13, 467:20, 482:8, 484:19, 486:20, 494:7, 494:11, 494:12, 495:15, 502:5, 506:23, 508:14, 508:16, 514:21, 514:22, 515:1, 540:17, 540:20, 541:14, 541:21, 542:12, 542:14, 542:20, 549:21, 549:24, 550:2, 550:4, 551:22, 561:21, 576:16, 598:21, 645:10, 693:23,</p>	<p>717:22, 717:24, 719:17, 722:18, 738:15, 738:19, 739:9, 742:23, 797:24, 798:3, 798:7, 798:14, 798:24, 799:6, 799:16, 800:1, 802:11, 817:2, 825:3, 825:25, 826:4, 826:10, 832:24, 837:3, 855:2, 859:2, 859:3, 866:17 changed [15] - 57:17, 108:10, 109:19, 129:15, 219:16, 261:10, 519:13, 519:14, 572:20, 633:22, 694:13, 751:25, 781:14, 851:18 changes [46] - 66:8, 66:19, 68:11, 118:8, 222:9, 240:7, 250:9, 258:14, 347:9, 390:7, 393:23, 403:17, 423:6, 457:24, 509:12, 516:8, 541:5, 541:15, 541:20, 541:21, 542:8, 542:9, 542:10, 542:11, 565:20, 576:13, 632:10, 636:4, 636:11, 650:1, 687:24, 692:14, 719:19, 739:2, 739:9, 757:11, 797:23, 798:14, 800:3, 825:5, 825:6, 828:22, 854:15, 865:25</p>	<p>Changes [1] - 258:14 changing [15] - 47:20, 67:4, 121:13, 122:7, 132:15, 151:19, 179:25, 201:12, 278:20, 379:21, 415:6, 502:2, 665:13, 804:1 channeled [1] - 772:16 channeling [1] - 140:16 channels [1] - 756:17 chaos [1] - 468:18 chapter [3] - 752:11, 752:12 Chapter [14] - 2:6, 155:10, 319:15, 319:16, 321:21, 324:23, 498:8, 593:3, 631:3, 675:11, 675:15, 676:8, 676:10 character [29] - 137:16, 151:7, 228:10, 447:9, 459:6, 493:2, 498:8, 498:22, 545:17, 601:17, 601:19, 603:3, 616:1, 618:9, 620:11, 620:13, 620:14, 632:14, 632:20, 635:5, 649:8, 675:16, 675:19, 682:16, 683:5, 684:20, 686:17, 742:24, 847:19 characterist ic [4] - 93:6, 603:11,</p>
--	--	--	--	---	--	---

<p>609:25, 610:9 characteristics [14] - 202:20, 203:2, 204:2, 211:18, 298:25, 405:1, 615:24, 648:7, 648:9, 651:13, 699:4, 756:21, 844:8, 844:9 characterization [2] - 425:14, 812:19 characterizations [1] - 747:10 characterize [6] - 299:9, 421:18, 668:6, 789:8, 844:3, 844:18 characterized [1] - 297:22 characters [2] - 740:8, 757:2 charge [13] - 84:25, 167:9, 167:22, 168:10, 182:20, 182:21, 183:7, 192:21, 281:16, 383:14, 516:10, 595:6, 595:7 charged [2] - 480:10, 553:18 charging [1] - 183:5 charities [1] - 186:21 Charles [1] - 141:1 Charlie [1] - 11:7 chart [20] - 166:21, 168:4, 335:24, 337:5, 337:15, 337:16, 338:6, 339:23, 342:15, 342:18, 346:3, 404:4, 428:16, 429:15, 430:2, 436:18, 525:1,</p>	<p>659:2, 659:8, 750:4 Chart [1] - 406:5 charts [1] - 351:14 chasing [1] - 439:14 Chat [1] - 58:25 chattering [1] - 560:14 cheap [1] - 453:16 Cheaper [1] - 148:2 cheaper [4] - 182:24, 279:7, 280:4, 884:4 cheapest [3] - 264:5, 877:11, 881:9 check [4] - 449:12, 516:23, 759:10, 815:6 checked [2] - 449:15, 449:24 chemical [3] - 393:23, 718:6, 719:16 chemistry [5] - 119:21, 719:12, 719:13, 721:8 cherish [6] - 108:5, 460:6, 472:11, 493:4, 569:1, 829:3 cherishing [1] - 150:20 Cherryfield [2] - 709:9, 716:8 Chesterville [1] - 38:17 Chewonki [5] - 465:4, 465:5, 465:7, 465:8, 465:14 chief [1] - 609:4 child [4] - 78:4, 508:9, 513:14, 526:5 Child [1] - 598:17 childhood [1] - 492:17</p>	<p>children [33] - 21:23, 39:22, 61:7, 61:18, 62:13, 77:8, 81:6, 81:17, 87:23, 122:19, 127:11, 169:11, 471:22, 483:17, 533:4, 533:5, 533:7, 533:13, 533:18, 535:17, 538:7, 553:10, 559:21, 567:2, 567:7, 567:8, 567:13, 568:23, 568:24, 598:17, 598:20 children's [4] - 21:23, 64:12, 533:4, 567:5 China [6] - 58:8, 58:11, 126:12, 143:18, 475:23, 481:14 chipmunks [1] - 560:14 chips [5] - 218:8, 340:6, 505:2, 505:13 Chodish [1] - 847:1 choice [9] - 17:21, 104:4, 136:6, 365:19, 456:17, 508:21, 559:3, 692:10, 692:20 choices [7] - 17:16, 56:2, 76:2, 87:7, 127:16, 827:18, 827:19 choir [1] - 452:8 choose [10] - 51:23, 56:24, 99:11, 120:19, 232:20, 237:25, 242:15, 243:14, 527:3,</p>	<p>545:7 chooses [1] - 242:22 choosing [4] - 107:22, 242:25, 243:11, 243:18 chose [7] - 79:10, 123:11, 166:9, 171:4, 172:20, 327:5, 620:20 chosen [5] - 13:7, 79:11, 107:14, 130:18, 315:7 Chris [4] - 119:11, 122:11, 122:12 Christmas [1] - 474:19 Christmastime [1] - 515:24 Christopher [1] - 122:14 chronic [2] - 152:12, 827:25 Chuck [3] - 494:1, 496:2, 496:3 chunk [1] - 655:23 chunks [1] - 27:22 church [2] - 502:16, 502:17 Cincette [1] - 33:21 circle [3] - 221:3, 733:8, 781:20 circled [1] - 196:14 circulated [1] - 173:11 circulation [1] - 415:23 circumference [2] - 14:19, 14:24 circumstance [1] - 697:21 circumstances [4] - 371:12, 433:20, 659:25,</p>	<p>669:16 Cirque [18] - 138:10, 227:17, 347:20, 576:7, 576:9, 576:12, 576:17, 603:16, 605:16, 607:10, 625:15, 625:22, 687:25, 689:3, 689:5, 689:11, 700:18, 704:12 cite [3] - 294:24, 730:20, 740:15 cited [7] - 52:14, 106:5, 410:22, 635:6, 729:20, 732:13, 826:11 cites [2] - 661:11, 730:8 cities [4] - 63:11, 112:5, 260:4, 837:7 Citigroup [1] - 275:14 citing [2] - 388:16, 785:18 citizen [10] - 82:24, 96:16, 147:11, 455:9, 465:6, 465:25, 506:2, 525:12, 612:17, 798:1 citizen-based [1] - 798:1 citizens [8] - 54:15, 95:2, 254:25, 261:4, 475:13, 535:6, 580:12, 706:13 city [8] - 63:9, 507:11, 507:12, 558:3, 670:6, 670:17, 724:10 Civic [1] - 135:12 civic [1] - 75:23</p>	<p>Civil [1] - 63:2 civil [11] - 176:3, 195:1, 195:3, 195:5, 195:11, 199:20, 199:22, 201:5, 202:20, 203:10, 723:18 civilian [1] - 529:14 civilization [1] - 596:23 civilized [1] - 53:2 claim [6] - 151:22, 610:15, 806:25, 808:24, 824:7, 850:3 claimed [2] - 277:16, 848:10 claims [8] - 119:24, 151:14, 152:22, 379:20, 427:7, 808:24, 820:9, 848:24 clarification [7] - 209:16, 239:4, 333:20, 344:22, 584:7, 625:3, 810:10 clarified [2] - 356:20, 669:11 clarify [15] - 179:19, 269:8, 285:21, 310:3, 393:8, 401:20, 434:13, 646:6, 671:1, 678:11, 678:23, 731:11, 757:14, 770:21, 838:10 clarifying [2] - 583:10, 786:6 clarity [1] - 606:14 Clark [1] - 770:17 class [5] -</p>	<p>114:9, 191:3, 191:4, 865:25, 866:1 Class [20] - 166:12, 166:13, 166:14, 167:6, 191:4, 191:18, 191:24, 192:5, 578:11, 578:12, 578:13, 578:16, 578:18, 578:19, 578:20, 578:22, 603:3, 744:9, 744:11 classes [3] - 192:17, 192:18, 578:9 classic [1] - 507:3 classification [1] - 650:15 classified [1] - 230:2 Claudia [4] - 100:10, 103:16, 103:17, 103:18 clean [58] - 12:4, 19:3, 19:10, 19:15, 23:2, 40:9, 42:21, 42:22, 43:11, 50:3, 58:17, 85:24, 86:25, 87:19, 91:10, 95:14, 99:4, 100:15, 100:20, 101:6, 104:10, 107:24, 110:24, 153:18, 164:4, 222:22, 236:25, 252:13, 264:11, 266:3, 279:5, 428:14, 430:16, 475:14, 482:1, 482:18, 484:4, 484:17, 490:6, 492:23, 513:18, 529:3, 539:25, 543:10,</p>
--	---	--	---	--	--	--

<p>543:18, 544:20, 556:18, 569:5, 577:13, 581:25, 653:4, 784:3, 816:24, 817:3, 817:14, 820:16, 835:14</p> <p>Clean [7] - 402:4, 405:3, 406:2, 802:6, 846:7, 846:8, 867:2</p> <p>clean-up [1] - 484:17</p> <p>cleaner [13] - 26:7, 47:10, 129:9, 151:24, 338:11, 452:7, 481:24, 817:10, 818:12, 854:25, 855:7</p> <p>cleaning [1] - 271:7</p> <p>cleanly [1] - 89:15</p> <p>clear [53] - 4:21, 29:22, 40:23, 45:18, 116:24, 118:21, 118:23, 133:10, 145:6, 172:12, 182:5, 188:2, 229:20, 238:2, 245:11, 292:23, 346:24, 360:11, 369:2, 369:10, 370:24, 384:11, 392:4, 392:5, 417:25, 434:8, 469:14, 492:6, 494:10, 499:12, 503:8, 530:5, 530:7, 530:18, 544:23, 561:2, 583:21, 599:18, 658:9, 661:19, 663:21, 672:13, 676:5, 677:14, 678:20, 690:23, 696:22,</p>	<p>708:16, 715:5, 724:3, 743:19, 750:15, 818:16</p> <p>Clear [1] - 118:20</p> <p>clear-cut [2] - 116:24, 229:20</p> <p>clear-cutted [1] - 118:21</p> <p>Clear-cutting [1] - 118:20</p> <p>clear-cutting [1] - 118:23</p> <p>clearcut [10] - 295:15, 536:14, 650:12, 715:12, 742:19, 742:22, 781:5, 781:9, 781:18, 782:10</p> <p>clearcuts [6] - 328:18, 346:22, 556:12, 738:25, 739:8, 747:12</p> <p>clearcutting [1] - 665:22</p> <p>cleared [11] - 7:3, 7:10, 104:16, 159:11, 159:18, 225:1, 226:8, 309:24, 443:9, 443:15, 795:8</p> <p>clearer [1] - 651:4</p> <p>clearing [24] - 7:10, 52:7, 205:16, 219:6, 223:6, 223:10, 225:3, 435:22, 436:10, 436:13, 487:14, 549:1, 587:17, 691:6, 691:7, 691:13, 701:1, 724:11, 732:11, 733:2, 759:4, 759:7, 794:13, 794:25</p> <p>clearings [3]</p>	<p>- 649:22, 685:9, 691:12</p> <p>Clearly [2] - 332:6, 455:23</p> <p>clearly [31] - 29:22, 30:7, 31:25, 150:16, 151:18, 191:14, 237:1, 247:8, 277:13, 363:13, 392:7, 439:11, 492:2, 493:3, 554:6, 593:23, 602:21, 615:1, 615:5, 629:15, 649:25, 653:15, 654:15, 662:14, 669:23, 697:23, 730:3, 755:2, 755:17, 811:5, 828:23</p> <p>CLF [5] - 385:11, 385:16, 408:25, 832:17, 878:9</p> <p>client [2] - 838:12, 871:4</p> <p>clienteles [1] - 837:13</p> <p>clients [6] - 202:11, 278:13, 479:8, 479:20, 829:21, 838:12</p> <p>cliff [1] - 354:4</p> <p>Clifford [1] - 143:16</p> <p>Cliffs [1] - 86:20</p> <p>Climate [2] - 406:3, 415:18</p> <p>climate [47] - 18:1, 18:5, 18:18, 19:2, 54:25, 78:20, 78:23, 80:18, 87:15, 96:24, 236:23, 255:11, 362:7, 406:20, 406:22, 406:24, 407:19, 469:2, 495:11,</p>	<p>540:16, 540:20, 542:3, 542:12, 542:14, 542:20, 562:10, 600:3, 600:12, 655:22, 711:18, 722:18, 797:24, 798:2, 798:7, 798:14, 798:24, 799:6, 799:16, 800:1, 800:2, 802:10, 817:2, 825:3, 825:25, 826:4, 826:10, 854:2</p> <p>climates [6] - 102:12, 178:18, 179:13, 188:22, 200:14, 201:25</p> <p>climb [3] - 45:20, 74:10, 75:2</p> <p>climbed [2] - 133:22, 735:13</p> <p>climber [1] - 130:2</p> <p>climbing [3] - 36:20, 142:3, 775:16</p> <p>Clingman's [3] - 674:6, 674:9, 776:14</p> <p>clipping [1] - 124:22</p> <p>clock [2] - 163:21, 179:22</p> <p>close [36] - 13:15, 14:20, 53:5, 53:11, 63:22, 79:22, 115:5, 132:3, 141:9, 160:24, 172:3, 176:15, 247:7, 282:18, 374:25, 376:1, 404:11, 433:25, 434:2, 447:24, 456:11, 537:12, 584:25, 592:4, 599:10, 613:7,</p>	<p>648:4, 655:23, 684:17, 686:20, 699:17, 717:20, 736:2, 852:2, 869:12, 891:22</p> <p>closed [4] - 149:1, 157:11, 255:10, 892:4</p> <p>closely [4] - 191:10, 622:8, 699:7, 836:20</p> <p>closer [13] - 143:3, 149:5, 151:13, 250:8, 429:13, 602:10, 607:5, 651:2, 659:10, 688:3, 689:22, 736:6, 857:6</p> <p>closer-to- the-ground [1] - 250:8</p> <p>closest [1] - 222:3</p> <p>closing [7] - 67:6, 570:1, 570:7, 570:8, 570:9, 599:9, 891:20</p> <p>closings [1] - 570:6</p> <p>cloud [3] - 50:22, 633:3, 651:18</p> <p>Cloud [2] - 69:2, 120:1</p> <p>clouds [3] - 28:7, 28:12, 123:17</p> <p>cloudy [1] - 658:10</p> <p>cloudy/hazy [1] - 651:21</p> <p>Club [34] - 37:11, 65:11, 73:23, 80:17, 83:1, 84:16, 128:11, 139:3, 284:2, 284:3, 483:5, 483:6, 530:2, 566:19, 612:19, 613:4, 675:10, 735:10, 736:9, 737:9, 737:11, 737:15, 739:18, 751:22,</p>	<p>751:23, 752:8, 752:9, 752:15, 778:17, 797:7, 808:20, 846:23</p> <p>club [2] - 65:15, 119:19</p> <p>Club's [1] - 737:23</p> <p>clubs [3] - 600:1, 612:19, 752:7</p> <p>cluster [1] - 500:21</p> <p>clusters [1] - 656:17</p> <p>CMP [3] - 49:19, 341:19, 342:12</p> <p>co [4] - 291:3, 520:23, 654:3, 729:20</p> <p>co-authored [1] - 729:20</p> <p>co-chairs [1] - 520:23</p> <p>co- dominant [1] - 654:3</p> <p>co-locate [1] - 291:3</p> <p>CO2 [34] - 55:10, 120:2, 120:10, 120:15, 120:21, 336:13, 336:15, 379:18, 404:20, 404:23, 405:9, 407:4, 412:4, 412:8, 412:18, 475:19, 541:3, 564:15, 564:16, 564:22, 564:24, 856:13, 856:14, 856:16, 856:18, 856:20, 858:14, 858:16, 858:22, 860:19, 872:4, 882:5, 882:17</p> <p>coach [1] - 53:2</p>	<p>coal [48] - 22:19, 39:23, 40:9, 44:11, 58:12, 66:9, 846:23, 77:24, 80:25, 89:7, 90:7, 126:12, 153:10, 153:11, 153:15, 182:5, 183:2, 185:2, 264:14, 264:19, 276:22, 277:15, 280:19, 280:20, 281:19, 281:21, 282:6, 337:12, 337:20, 382:16, 382:17, 382:21, 383:3, 383:10, 402:21, 403:8, 403:13, 469:12, 490:1, 490:4, 553:13, 564:7, 582:2, 822:19, 826:19, 873:3</p> <p>Coal [3] - 60:2, 469:10, 564:7</p> <p>coal-fired [9] - 153:10, 153:11, 182:5, 276:22, 280:19, 281:19, 490:1, 553:13</p> <p>Coalition [2] - 127:10, 797:7</p> <p>coast [23] - 43:17, 76:18, 83:12, 135:21, 135:22, 142:18, 171:17, 171:23, 257:4, 445:9, 465:21, 500:23, 522:2, 525:3, 525:7, 526:7, 563:19, 563:21, 655:9, 682:5, 708:5, 759:13, 850:1</p> <p>coastal [9] -</p>
---	--	---	--	---	---	---

<p>17:13, 31:9, 55:11, 171:21, 234:18, 269:22, 522:3, 655:6, 655:8</p> <p>Coastal [1] - 43:5</p> <p>coastline [1] - 649:12</p> <p>coat [1] - 28:9</p> <p>cobbled [1] - 713:19</p> <p>cock [2] - 114:3, 114:4</p> <p>Cod [11] - 374:2, 375:5, 376:3, 413:20, 413:22, 423:2, 832:23, 832:25, 833:5, 833:7, 833:10</p> <p>code [2] - 112:13, 131:7</p> <p>cofounders [1] - 65:10</p> <p>cogeneratio n [5] - 59:21, 185:3, 185:4, 873:2, 877:17</p> <p>cohort [1] - 284:1</p> <p>cohorts [2] - 283:25, 680:15</p> <p>Coie [1] - 283:23</p> <p>coin [1] - 410:12</p> <p>coincide [1] - 734:24</p> <p>Colby [1] - 143:19</p> <p>cold [10] - 28:13, 201:24, 235:10, 339:11, 365:25, 366:20, 395:9, 562:16, 725:20, 863:3</p> <p>colder [1] - 28:8</p> <p>Cole [1] - 176:4</p> <p>Colin [2] - 401:10, 419:15</p> <p>collaborate d [1] - 771:20</p>	<p>collaborativ e [2] - 408:11, 430:23</p> <p>colleague [1] - 228:13</p> <p>colleagues [4] - 405:17, 487:12, 506:21, 543:10</p> <p>collect [2] - 36:6, 847:11</p> <p>collected [5] - 169:20, 303:8, 380:11, 827:1, 847:8</p> <p>collection [2] - 227:7, 799:1</p> <p>collective [3] - 482:7, 482:14, 611:25</p> <p>Collectively [1] - 818:4</p> <p>college [1] - 80:13</p> <p>College [5] - 68:9, 143:19, 262:6, 567:4, 737:4</p> <p>colleges [3] - 260:5, 262:8, 280:11</p> <p>Collins [4] - 116:5, 116:6, 116:7, 119:15</p> <p>COLLINS [1] - 119:13</p> <p>Collis [2] - 141:4, 141:8</p> <p>collision [4] - 731:25, 733:5, 790:5, 791:1</p> <p>Colonial [1] - 53:14</p> <p>Color [1] - 662:10</p> <p>color [21] - 222:25, 327:25, 580:5, 610:3, 610:11, 618:12, 619:7, 619:15, 619:19, 620:3, 624:6, 637:7, 651:10, 651:14, 651:23, 651:24, 692:14,</p>	<p>692:17, 692:19, 739:9, 792:20</p> <p>Colorado [4] - 195:17, 315:9, 497:2, 822:25</p> <p>Colorado's [1] - 822:15</p> <p>colored [1] - 217:10</p> <p>colors [8] - 196:16, 196:18, 196:20, 658:2, 692:11, 698:6, 734:6, 741:18</p> <p>Colosseum [1] - 454:24</p> <p>column [1] - 337:19</p> <p>columns [1] - 565:21</p> <p>combatting [2] - 74:19, 75:3</p> <p>combinatio n [9] - 42:20, 43:13, 176:10, 416:8, 691:21, 691:25, 744:25, 745:2, 852:12</p> <p>Combine [2] - 42:1, 726:14</p> <p>combined [10] - 69:4, 323:5, 429:8, 595:19, 620:2, 681:24, 741:25, 819:17, 821:6, 824:1</p> <p>combines [2] - 15:15, 648:3</p> <p>combining [2] - 164:22, 743:6</p> <p>combusted [1] - 828:12</p> <p>comfortable [7] - 33:3, 206:16, 219:5, 267:1, 399:14, 503:21, 715:7</p> <p>comforting [1] - 53:11</p> <p>coming [45] - 10:5, 16:11, 21:12, 24:9,</p>	<p>24:12, 29:21, 40:11, 46:19, 58:8, 59:4, 94:1, 118:2, 118:3, 132:8, 150:14, 185:24, 197:12, 205:1, 210:6, 265:3, 268:4, 310:12, 367:5, 374:8, 394:2, 401:7, 424:4, 430:5, 432:15, 435:14, 443:22, 475:11, 481:20, 513:11, 514:13, 537:2, 541:4, 547:3, 551:9, 558:13, 690:25, 708:13, 711:5, 720:15, 852:17</p> <p>commande d [1] - 105:25</p> <p>commands [1] - 225:25</p> <p>commenced [3] - 1:1, 201:13, 332:25</p> <p>commend [2] - 430:22, 749:8</p> <p>commende d [1] - 345:15</p> <p>comment [22] - 53:19, 132:15, 181:14, 209:18, 231:12, 239:9, 246:2, 248:10, 335:11, 365:13, 390:17, 549:16, 555:13, 626:17, 630:18, 664:20, 674:17, 757:8, 757:12, 790:12, 830:10, 854:3</p> <p>commented [3] - 546:25,</p>	<p>638:9, 785:25</p> <p>commentin g [2] - 551:12, 786:10</p> <p>comments [74] - 3:25, 4:3, 8:4, 8:11, 8:13, 72:13, 100:17, 107:8, 114:6, 143:20, 160:13, 160:21, 160:23, 160:25, 162:22, 235:22, 238:24, 245:11, 250:5, 293:11, 294:22, 315:1, 315:22, 317:10, 384:3, 386:16, 387:25, 388:4, 388:12, 388:13, 389:4, 389:14, 389:17, 390:2, 393:15, 417:10, 422:9, 445:14, 446:16, 449:11, 471:13, 499:24, 540:3, 540:8, 540:9, 541:12, 544:23, 545:25, 551:23, 555:11, 566:3, 583:15, 593:24, 597:1, 618:3, 626:18, 638:1, 638:4, 639:16, 639:19, 651:20, 654:22, 674:23, 738:3, 739:14, 757:9, 774:15, 829:5, 847:24, 862:5, 874:13, 884:6, 889:8, 892:8</p> <p>Commerce [1] - 107:5</p> <p>commerce [1] - 493:22</p> <p>commercial</p>	<p>[7] - 17:17, 147:15, 166:14, 347:4, 445:6, 481:19, 536:20</p> <p>Commissio n [185] - 1:5, 1:11, 1:16, 2:6, 5:11, 8:16, 8:19, 9:4, 9:20, 9:24, 9:25, 24:13, 30:4, 41:11, 54:13, 61:25, 72:18, 73:20, 84:25, 85:2, 111:25, 131:13, 135:2, 154:25, 155:3, 155:4, 156:1, 156:11, 156:13, 157:13, 161:5, 161:9, 161:18, 161:19, 162:17, 163:14, 170:22, 174:11, 185:14, 187:4, 190:11, 204:22, 246:18, 282:15, 282:22, 283:25, 284:19, 285:3, 288:21, 297:19, 308:9, 319:17, 345:11, 357:6, 359:18, 362:20, 363:10, 363:25, 364:9, 365:11, 384:1, 401:4, 401:9, 407:10, 407:11, 407:13, 408:19, 410:24, 415:3, 416:12, 418:8, 418:9, 437:2, 447:25, 457:13, 457:14, 460:24, 464:6, 465:15, 467:20, 474:12, 491:6,</p>	<p>495:20, 498:2, 498:6, 503:3, 510:13, 510:17, 510:22, 513:3, 523:7, 534:5, 534:10, 551:2, 552:13, 561:7, 561:11, 569:10, 570:20, 574:10, 577:1, 579:22, 580:2, 580:6, 580:10, 580:19, 581:1, 581:8, 581:23, 588:18, 592:21, 592:23, 593:16, 594:21, 595:13, 615:21, 625:4, 635:21, 637:19, 638:15, 639:16, 643:17, 643:23, 644:3, 647:11, 674:20, 674:22, 676:20, 679:19, 682:14, 682:18, 695:18, 704:22, 706:6, 707:25, 731:13, 737:14, 739:17, 749:8, 751:9, 751:10, 755:15, 755:19, 761:21, 772:7, 781:11, 781:16, 782:12, 785:11, 785:14, 786:1, 786:14, 786:19, 787:1, 787:7, 787:15, 789:18, 790:1, 791:11, 791:18, 794:6, 794:11, 794:20, 807:23, 816:5, 816:15,</p>
---	---	--	--	---	--	---

<p>839:17, 843:10, 843:14, 848:12, 859:22, 862:14, 867:14, 867:16, 868:25, 869:7, 871:11, 874:10, 874:12, 876:1, 892:10, 893:13</p> <p>commission [1] - 1:13</p> <p>Commissio n' [1] - 161:15</p> <p>Commissio n's [22] - 3:1, 3:20, 155:10, 155:24, 155:25, 157:3, 248:2, 290:5, 370:17, 494:17, 498:4, 510:18, 517:2, 593:2, 594:1, 624:23, 625:7, 625:25, 626:14, 681:1, 686:15</p> <p>commission er [3] - 1:14, 1:15, 38:18</p> <p>Commissio ner [11] - 16:17, 37:6, 38:15, 295:25, 314:21, 468:1, 700:24, 705:19, 731:12, 735:7, 867:11</p> <p>Commissio ners [38] - 10:4, 16:18, 20:8, 22:12, 23:20, 25:6, 37:7, 60:4, 73:13, 84:4, 106:18, 110:1, 122:13, 250:21, 335:22, 336:3, 342:15, 387:3, 444:21, 455:8, 470:25, 477:5, 481:3, 518:5, 704:10,</p>	<p>716:20, 727:12, 729:3, 735:7, 777:7, 781:19, 797:9, 830:12, 830:18, 834:12, 847:10, 859:25</p> <p>Commissio ns [3] - 538:23, 538:24</p> <p>commit [1] - 333:8</p> <p>commitmen t [14] - 19:12, 20:3, 135:11, 135:14, 165:10, 189:11, 189:16, 189:19, 268:9, 274:16, 274:19, 276:9, 331:9, 455:14</p> <p>committed [7] - 189:9, 333:6, 377:16, 378:4, 506:25, 674:23, 825:4</p> <p>Committee [1] - 474:21</p> <p>committee [13] - 16:22, 16:23, 16:24, 38:8, 115:17, 116:11, 190:7, 331:24, 409:9, 491:24, 559:18, 609:1, 785:16</p> <p>committees [1] - 41:22</p> <p>committing [1] - 190:22</p> <p>commodity [1] - 509:2</p> <p>common [18] - 43:10, 177:3, 193:12, 232:25, 295:13, 299:3, 462:6, 462:9, 549:14, 562:2, 603:10, 653:12, 656:13, 703:11, 705:17, 760:21,</p>	<p>784:25, 785:6</p> <p>commonly [1] - 661:5</p> <p>commons [1] - 410:15</p> <p>communica tion [7] - 237:11, 315:13, 523:6, 579:15, 618:25, 644:19, 666:13</p> <p>communica tions [2] - 29:25, 477:17</p> <p>communitie s [7] - 43:10, 236:18, 600:5, 807:5, 807:13, 817:2, 831:13</p> <p>community [39] - 15:6, 22:24, 43:3, 43:6, 43:9, 43:14, 52:13, 63:10, 78:25, 96:17, 106:5, 121:19, 136:25, 148:13, 152:6, 152:11, 168:22, 186:17, 266:11, 376:5, 484:1, 485:14, 541:8, 557:8, 558:8, 610:21, 610:22, 685:15, 695:19, 695:22, 722:7, 736:10, 743:25, 847:16, 847:17, 847:19, 848:9, 889:16</p> <p>community- based [1] - 43:6</p> <p>companies [9] - 12:16, 13:2, 33:21, 115:6, 165:15, 275:16, 275:19, 382:14, 383:10</p> <p>companion</p>	<p>ship [1] - 460:9</p> <p>company [32] - 11:2, 12:21, 47:4, 110:22, 112:17, 137:19, 165:12, 165:17, 175:18, 176:21, 186:14, 189:22, 190:3, 305:2, 330:7, 382:9, 383:16, 438:8, 450:3, 450:12, 451:23, 453:21, 464:16, 483:3, 496:16, 513:17, 513:19, 538:20, 538:22, 571:3, 574:21, 864:4</p> <p>Company [10] - 49:7, 63:7, 111:17, 142:2, 200:2, 257:18, 259:17, 358:9, 358:10, 538:18</p> <p>company's [2] - 10:23, 200:7</p> <p>comparable [8] - 27:17, 375:15, 578:13, 654:11, 705:18, 765:9, 765:13, 844:8</p> <p>comparative [1] - 780:20</p> <p>compare [12] - 270:1, 270:6, 296:12, 306:19, 462:8, 508:4, 508:5, 646:17, 705:16, 721:8, 849:21, 851:1</p> <p>compared [14] - 19:19, 268:17, 313:6, 344:12, 446:1, 479:18, 578:20, 582:15,</p>	<p>585:15, 640:19, 749:25, 831:12, 831:13, 870:19</p> <p>compares [1] - 850:21</p> <p>comparing [2] - 268:15, 575:25</p> <p>Comparing [1] - 462:4</p> <p>comparison [12] - 145:19, 241:4, 246:23, 250:2, 430:11, 436:5, 458:20, 653:14, 653:15, 653:20, 666:6, 666:20</p> <p>compatibilit y [2] - 651:9, 847:19</p> <p>compatible [1] - 530:19</p> <p>compelling [7] - 151:11, 514:10, 749:9, 749:14, 750:12, 835:1, 837:2</p> <p>compensate [1] - 117:22</p> <p>compete [6] - 182:24, 281:17, 825:10, 855:17, 855:19, 864:15</p> <p>competed [2] - 201:1, 881:6</p> <p>competes [1] - 25:22</p> <p>competing [12] - 56:24, 341:21, 371:9, 372:12, 563:14, 855:10, 855:24, 856:6, 856:23, 864:21, 879:22, 880:1</p> <p>competition [7] - 342:2, 359:1, 451:7, 876:16,</p>	<p>878:25, 880:6, 881:2</p> <p>competitive [9] - 25:18, 182:18, 590:10, 765:9, 765:13, 822:2, 837:1, 838:22, 839:1</p> <p>competitor [1] - 363:13</p> <p>competitors [1] - 823:16</p> <p>compiled [1] - 734:2</p> <p>compiled [1] - 786:24</p> <p>complainin g [1] - 91:13</p> <p>complemen t [1] - 815:10</p> <p>complete [21] - 1:25, 5:14, 7:25, 8:5, 8:7, 157:1, 160:17, 165:10, 199:21, 201:10, 308:4, 485:11, 486:19, 541:2, 541:7, 571:13, 731:21, 786:20, 801:7, 887:10</p> <p>completed [12] - 3:6, 164:17, 173:15, 195:5, 416:22, 485:8, 530:24, 827:13, 863:19, 889:10, 889:17, 889:21</p> <p>completely [18] - 21:6, 59:24, 61:11, 232:10, 242:16, 327:1, 415:21, 452:15, 485:14, 511:2, 512:4, 520:16, 576:8, 694:3, 707:1, 721:24, 755:21, 800:13</p> <p>completene ss [1] - 160:9</p>	<p>completes [1] - 183:21</p> <p>completion [1] - 201:21</p> <p>completion s [1] - 778:10</p> <p>complex [11] - 242:10, 490:6, 534:20, 693:8, 720:19, 721:10, 721:12, 773:5, 774:3, 809:14, 857:10</p> <p>compliance [5] - 178:21, 272:19, 409:25, 435:2, 864:12</p> <p>complicated [8] - 166:9, 188:11, 456:20, 587:13, 718:10, 720:13, 830:20, 834:18</p> <p>component [8] - 285:17, 355:3, 445:19, 587:9, 587:24, 730:22, 730:23, 856:13</p> <p>component s [6] - 222:18, 319:7, 434:17, 460:3, 584:2, 603:14</p> <p>composed [3] - 351:19, 662:15, 680:15</p> <p>compositio n [1] - 210:21</p> <p>compound [2] - 93:6, 599:1</p> <p>Comprehen sive [12] - 320:21, 399:21, 685:17, 740:4, 741:9, 745:23, 747:3, 749:4, 750:11, 775:12, 819:5, 827:21</p> <p>comprehen</p>
--	---	--	--	--	---	---

<p>sive [16] - 121:17, 140:5, 140:7, 140:14, 140:22, 400:15, 405:13, 485:7, 494:17, 510:20, 599:11, 599:17, 737:10, 831:6, 833:19</p> <p>comprehen- sively [1] - 833:3</p> <p>comprise [2] - 596:6, 741:25</p> <p>comprised [2] - 816:22, 817:20</p> <p>compromis- e [9] - 134:16, 430:18, 430:22, 439:19, 440:12, 504:17, 504:19, 504:20, 585:5</p> <p>compromis- ed [2] - 54:12, 427:17</p> <p>computatio- ns [2] - 314:15, 314:16</p> <p>computer [9] - 137:18, 138:14, 196:9, 224:16, 327:7, 327:18, 633:6, 633:11, 662:13</p> <p>computer- generated [5] - 137:18, 138:14, 196:9, 224:16, 327:7</p> <p>computers [3] - 533:8, 539:24, 633:8</p> <p>computing [1] - 589:15</p> <p>concede [1] - 287:22</p> <p>conceding [1] - 815:13</p> <p>conceived [1] - 614:24</p> <p>concentrate</p>	<p>d [2] - 220:24, 743:16</p> <p>concentrate</p> <p>s [2] - 734:3, 734:9</p> <p>concentrati- ng [1] - 503:25</p> <p>concentrati- on [7] - 233:19, 234:18, 234:22, 741:4, 741:5, 741:7, 813:7</p> <p>concentrati- ons [3] - 798:10, 825:13, 826:24</p> <p>concept [11] - 25:9, 221:19, 256:24, 272:10, 273:10, 292:22, 434:25, 587:6, 598:18, 834:18</p> <p>concepts [2] - 703:6, 718:13</p> <p>concern [67] - 27:5, 29:16, 30:16, 40:1, 49:9, 64:22, 95:2, 102:5, 103:2, 129:12, 144:25, 146:2, 147:3, 207:17, 209:19, 216:9, 228:22, 237:4, 244:23, 245:11, 276:20, 277:14, 320:18, 395:2, 396:12, 405:11, 466:1, 484:19, 492:25, 514:14, 514:15, 522:4, 557:20, 561:20, 562:12, 562:17, 562:21, 563:13, 564:13, 565:13, 600:3, 600:12, 602:1,</p>	<p>613:16, 621:19, 631:3, 683:3, 684:1, 684:7, 699:3, 700:25, 706:13, 760:1, 760:6, 761:5, 788:13, 807:19, 816:21, 821:7, 827:7, 849:15, 850:5, 851:5, 851:13, 861:10, 862:21, 869:18</p> <p>concerned [43] - 40:16, 41:2, 49:4, 81:8, 81:9, 86:25, 87:13, 104:6, 116:19, 172:11, 206:19, 207:20, 207:22, 214:7, 217:13, 244:19, 295:22, 296:2, 315:21, 448:8, 455:18, 476:3, 524:9, 544:4, 557:17, 654:24, 661:18, 674:20, 699:10, 707:18, 722:2, 762:7, 795:1, 795:14, 808:5, 808:9, 811:12, 831:8, 832:3, 838:3, 849:3, 851:4, 861:13</p> <p>Concerned [1] - 456:25</p> <p>concerning [12] - 189:6, 389:18, 419:2, 485:16, 491:17, 546:24, 639:4, 675:24, 851:5, 854:4, 868:11, 886:24</p> <p>Concerns [2] - 824:15, 847:19</p> <p>concerns [36] - 7:17,</p>	<p>25:15, 26:11, 31:2, 49:25, 103:6, 110:2, 126:19, 145:1, 160:1, 177:8, 201:17, 203:15, 208:24, 317:8, 350:20, 352:23, 354:11, 394:17, 395:1, 402:5, 451:6, 459:8, 507:6, 521:21, 523:13, 525:9, 557:11, 622:23, 719:4, 738:18, 754:4, 808:2, 825:21, 825:24, 849:25</p> <p>concession</p> <p>s [1] - 482:8</p> <p>conclude [13] - 16:5, 170:9, 201:20, 427:24, 428:6, 433:8, 569:13, 609:15, 643:13, 728:23, 811:11, 811:21, 860:3</p> <p>concluded [11] - 14:23, 56:16, 167:15, 168:3, 259:19, 350:13, 362:7, 489:6, 528:12, 598:1, 737:17</p> <p>concludes [13] - 14:17, 153:24, 204:21, 247:23, 266:7, 336:12, 343:22, 405:25, 569:8, 728:14, 812:2, 859:20, 891:17</p> <p>conclusion [44] - 56:23, 149:3, 156:10, 157:8, 168:1, 170:11, 173:24, 176:8, 199:15, 204:12, 228:5,</p>	<p>236:11, 275:3, 319:10, 327:2, 340:18, 340:25, 342:6, 361:22, 361:24, 362:3, 364:18, 367:5, 407:24, 423:1, 432:8, 433:10, 441:9, 447:25, 530:5, 626:4, 626:13, 645:17, 645:23, 720:17, 734:22, 767:6, 768:6, 774:22, 774:23, 828:2, 859:9, 884:21, 891:19</p> <p>conclusions [12] - 14:10, 318:1, 318:2, 318:7, 529:25, 646:2, 647:12, 728:18, 849:3, 860:3, 860:6, 868:15</p> <p>concrete [5] - 257:6, 351:8, 456:8, 674:4, 674:12</p> <p>concur [1] - 86:14</p> <p>concurrenc- e [1] - 723:2</p> <p>condition [14] - 184:4, 189:13, 189:15, 189:18, 217:8, 366:21, 366:22, 394:2, 449:20, 678:6, 678:15, 697:16, 697:22, 698:1</p> <p>conditioner [1] - 477:1</p> <p>conditioner- s [2] - 475:21, 852:24</p> <p>conditions [41] - 28:20, 29:9, 176:23, 177:21, 189:1, 189:12, 193:24, 196:4, 201:12, 204:8, 225:15,</p>	<p>229:13, 232:18, 234:1, 235:8, 237:17, 237:19, 238:1, 258:9, 259:12, 311:21, 333:10, 367:20, 389:25, 395:8, 435:18, 449:17, 476:17, 486:7, 524:20, 658:23, 659:23, 672:13, 709:24, 718:1, 748:13, 754:14, 769:16, 794:20, 876:13, 878:3</p> <p>condominiu- ms [3] - 536:25, 562:22, 708:23</p> <p>condos [1] - 53:22</p> <p>conduct [8] - 2:7, 425:9, 449:24, 597:20, 600:23, 617:25, 645:13, 647:18</p> <p>conducted [21] - 2:6, 14:8, 155:10, 156:11, 169:13, 171:19, 229:6, 229:11, 259:18, 302:10, 305:1, 307:7, 365:16, 365:17, 389:6, 413:17, 601:8, 730:14, 734:9, 744:4, 845:20</p> <p>conducting [2] - 84:6, 627:17</p> <p>cone [1] - 391:22</p> <p>Conference [7] - 459:3, 462:21, 462:23,</p>	<p>493:18, 520:22, 520:23, 751:25</p> <p>conference [17] - 7:13, 9:2, 9:5, 159:22, 160:5, 161:17, 161:22, 161:23, 284:1, 349:18, 459:17, 459:23, 520:25, 521:4, 521:5, 892:7, 892:25</p> <p>conferences [1] - 795:24</p> <p>confidence [2] - 190:21, 755:12</p> <p>confident [5] - 195:10, 199:21, 202:3, 392:11, 513:20</p> <p>configuratio- n [5] - 128:1, 289:2, 572:20, 639:10, 819:24</p> <p>configure [1] - 303:14</p> <p>confined [1] - 428:11</p> <p>confines [1] - 243:11</p> <p>confirm [2] - 289:20, 778:8</p> <p>confirmed [1] - 108:11</p> <p>confirms [1] - 823:11</p> <p>conflict [4] - 246:16, 468:23, 733:11, 745:5</p> <p>conflicting [2] - 740:24, 750:13</p> <p>conflicts [2] - 740:14, 785:6</p> <p>conforms [1] - 449:14</p> <p>confront [1] - 76:20</p> <p>confronted [1] - 148:10</p> <p>confuse [1] - 465:7</p>
--	--	--	---	---	---	--

<p>confused [4] - 145:9, 216:5, 219:15, 277:2</p> <p>confusing [1] - 849:11</p> <p>confusion [1] - 435:6</p> <p>congested [2] - 876:13, 876:16</p> <p>congestion [34] - 258:7, 339:21, 341:9, 341:13, 341:17, 342:11, 343:15, 343:19, 360:5, 371:1, 371:3, 371:6, 371:7, 371:8, 371:15, 371:24, 372:2, 372:4, 372:11, 372:17, 372:19, 372:20, 424:14, 424:22, 875:10, 875:19, 875:20, 876:11, 877:8, 877:23, 878:4, 886:20, 886:21</p> <p>Congress [3] - 629:12, 857:18, 859:25</p> <p>conjunction [1] - 223:20</p> <p>connect [6] - 85:19, 158:22, 205:9, 257:15, 494:5, 626:12</p> <p>connected [6] - 85:22, 320:24, 552:24, 782:21, 793:9, 820:4</p> <p>Connecticut [7] - 405:19, 432:16, 746:20, 749:20, 752:11, 819:12, 819:17</p> <p>connecting</p>	<p>[1] - 796:17</p> <p>connection [9] - 183:2, 281:19, 341:25, 369:18, 374:18, 376:2, 381:17, 531:7, 772:1</p> <p>Connection [1] - 836:3</p> <p>connection s [1] - 489:22</p> <p>connotation [1] - 679:15</p> <p>connotative [1] - 252:8</p> <p>cons [2] - 170:8, 485:10</p> <p>conscious [1] - 447:8</p> <p>consciously [1] - 827:19</p> <p>consensus [5] - 541:2, 541:7, 541:8, 802:13</p> <p>consequenc e [2] - 571:7, 818:15</p> <p>consequenc es [9] - 54:17, 94:18, 106:4, 477:15, 499:21, 524:18, 821:8, 828:16, 844:24</p> <p>consequent ly [1] - 565:22</p> <p>conservanc y [1] - 812:17</p> <p>Conservanc y [17] - 284:2, 600:1, 601:12, 613:2, 634:2, 675:9, 702:15, 702:20, 746:16, 746:17, 751:16, 751:20, 752:1, 777:23, 778:5, 795:20, 796:16</p> <p>Conservanc y's [1] - 802:4</p> <p>conservatio n [43] - 15:13, 15:15, 42:20,</p>	<p>107:14, 131:9, 168:23, 183:21, 185:21, 206:3, 206:5, 206:19, 295:8, 295:21, 297:1, 400:15, 439:19, 439:20, 440:5, 440:9, 447:18, 483:8, 483:11, 488:3, 496:14, 500:13, 504:21, 507:13, 507:16, 520:8, 520:18, 528:16, 554:25, 558:1, 567:24, 570:16, 574:23, 575:3, 685:24, 717:5, 722:15, 741:12, 792:18, 813:8</p> <p>Conservatio n [17] - 138:9, 218:1, 335:16, 336:4, 401:9, 406:2, 417:5, 420:14, 420:17, 474:21, 520:15, 582:25, 722:6, 744:13, 796:24, 850:17, 868:19</p> <p>conservativ e [1] - 76:5</p> <p>conserve [10] - 149:24, 173:20, 446:21, 520:14, 559:2, 574:24, 629:3, 722:9, 722:18, 740:6</p> <p>conserving [5] - 125:4, 148:21, 682:18, 722:7, 804:20</p> <p>Consider [1] - 826:3</p> <p>consider [38] - 28:22, 41:17, 61:15, 65:1,</p>	<p>151:10, 167:13, 192:19, 222:22, 255:2, 319:25, 322:2, 333:10, 438:23, 489:13, 492:7, 508:19, 513:6, 514:22, 523:7, 528:22, 535:21, 547:23, 552:3, 554:3, 554:21, 605:8, 617:20, 617:24, 622:5, 624:1, 653:13, 737:25, 768:25, 812:24, 813:15, 814:4, 845:17, 860:15</p> <p>Considerabl e [1] - 686:23</p> <p>considerabl e [4] - 556:18, 719:10, 838:1, 890:12</p> <p>considerati on [17] - 44:13, 60:4, 72:3, 73:25, 95:2, 207:10, 460:4, 473:23, 482:20, 495:2, 499:24, 545:15, 601:22, 604:21, 738:1, 738:5, 827:9</p> <p>considered [36] - 5:17, 6:12, 158:8, 158:11, 230:8, 294:18, 323:13, 332:12, 363:9, 367:4, 400:25, 442:16, 447:22, 452:22, 463:2, 490:15, 550:23, 601:14, 602:18, 604:22, 611:25, 619:13, 624:8, 628:17, 637:1,</p>	<p>640:15, 657:11, 706:11, 745:10, 754:13, 768:16, 790:19, 807:22, 827:2, 827:8, 850:11</p> <p>considering [7] - 37:15, 417:21, 561:16, 602:23, 617:25, 717:8, 825:23</p> <p>considers [1] - 702:15</p> <p>consist [3] - 179:1, 179:2, 707:22</p> <p>consistenci es [1] - 464:19</p> <p>consistency [3] - 105:24, 464:22, 788:13</p> <p>consistent [19] - 15:22, 92:19, 109:11, 164:20, 166:18, 168:8, 190:24, 201:2, 223:16, 223:17, 262:7, 433:21, 498:20, 639:22, 740:13, 779:5, 779:24, 819:7, 824:8</p> <p>consistently [5] - 56:6, 432:12, 530:17, 743:5, 855:7</p> <p>consolidate [1] - 357:6</p> <p>consolidate d [4] - 583:7, 801:5, 815:21, 816:1</p> <p>consolidati on [2] - 9:7, 161:24</p> <p>consortium [2] - 540:18, 540:22</p> <p>constant [1] - 708:13</p>	<p>constantly [2] - 234:15, 539:20</p> <p>Constellatio n [19] - 12:22, 165:19, 167:24, 180:21, 180:22, 181:1, 188:2, 259:25, 262:1, 276:25, 280:5, 280:9, 280:10, 355:11, 438:14, 571:8, 823:10, 840:8, 840:9</p> <p>constellatio ns [1] - 99:24</p> <p>Constellatio ns [1] - 574:3</p> <p>constituent s [1] - 147:13</p> <p>constitute [4] - 30:25, 729:8, 731:7, 744:1</p> <p>constitutes [3] - 232:8, 447:10, 807:4</p> <p>constraint [2] - 263:21, 651:8</p> <p>constraints [4] - 163:5, 368:1, 745:9, 854:16</p> <p>construct [15] - 6:11, 6:16, 158:10, 158:13, 166:8, 195:18, 202:3, 433:14, 438:5, 442:20, 588:13, 720:5, 720:25, 721:20, 724:19</p> <p>constructed [8] - 149:5, 174:24, 200:11, 309:15, 309:21, 310:21, 659:3, 884:8</p> <p>constructin g [6] - 158:7, 296:24, 394:24, 442:15,</p>	<p>487:14, 889:25</p> <p>constructio n [97] - 7:4, 11:10, 12:21, 15:9, 53:22, 75:19, 93:11, 130:9, 159:12, 165:1, 165:4, 165:17, 173:12, 174:10, 174:17, 174:18, 174:19, 174:22, 175:2, 175:17, 175:25, 178:13, 179:4, 193:14, 194:23, 198:1, 198:18, 198:22, 199:5, 199:17, 200:1, 200:4, 200:7, 200:18, 200:20, 200:25, 201:6, 201:17, 202:2, 203:11, 204:13, 204:15, 235:14, 236:15, 253:13, 253:14, 296:5, 296:7, 296:10, 297:10, 297:13, 309:14, 310:14, 336:8, 345:12, 348:19, 351:8, 354:14, 356:1, 389:7, 394:13, 394:18, 395:23, 396:14, 400:3, 411:13, 443:10, 447:16, 457:7, 484:16, 485:13, 485:20, 524:15, 549:1, 564:3, 621:10, 719:21, 719:22, 720:1, 720:8, 721:19, 723:14, 731:5, 733:1, 733:4,</p>
--	---	--	---	--	--	--

<p>744:19, 764:5, 765:17, 765:21, 766:14, 795:11, 796:8, 801:6, 801:10, 880:16, 880:23</p> <p>Constructio n [1] - 253:15</p> <p>constructiv ely [1] - 75:23</p> <p>consult [1] - 320:20</p> <p>consultant [13] - 176:3, 209:11, 257:14, 278:12, 316:12, 345:9, 357:4, 431:1, 477:7, 638:8, 647:10, 708:19, 829:18</p> <p>consultants [5] - 175:9, 195:17, 656:6, 752:2, 788:10</p> <p>consultatio n [1] - 203:10</p> <p>consulted [5] - 7:14, 159:24, 195:16, 197:6, 386:15</p> <p>consulting [8] - 152:8, 263:6, 431:6, 723:18, 765:22, 816:23, 829:25, 848:19</p> <p>consults [1] - 817:25</p> <p>consume [5] - 37:18, 117:20, 121:3, 263:15, 263:17</p> <p>consumed [4] - 173:23, 266:4, 820:20, 851:20</p> <p>consumer [5] - 818:7, 820:15, 824:4, 828:5, 830:21</p> <p>consumeris m [1] - 120:9</p>	<p>consumers [11] - 101:1, 573:19, 587:7, 816:20, 817:5, 820:16, 822:6, 836:13, 838:23, 884:3, 884:9</p> <p>consuming [3] - 115:12, 598:23, 858:1</p> <p>consumptio n [7] - 50:14, 120:11, 121:1, 338:3, 338:5, 452:19, 835:3</p> <p>consumptiv e [1] - 79:12</p> <p>contact [4] - 28:8, 28:12, 763:16, 836:6</p> <p>contacted [1] - 848:23</p> <p>contacted [3] - 158:3, 594:19, 844:22</p> <p>containing [2] - 493:9, 842:25</p> <p>contains [1] - 842:20</p> <p>contaminati on [6] - 303:12, 306:6, 306:15, 484:17, 581:18, 826:25</p> <p>contemplat ed [2] - 409:13, 804:9</p> <p>contemplati on [1] - 74:2</p> <p>contend [3] - 818:4, 820:22, 828:2</p> <p>contending [1] - 295:5</p> <p>contends [1] - 826:1</p> <p>content [4] - 74:1, 229:12, 328:14, 400:20</p> <p>contention [1] - 245:2</p> <p>context [43] - 94:15, 230:14, 246:22, 406:13, 407:1,</p>	<p>411:25, 422:16, 435:13, 436:12, 542:13, 586:16, 593:24, 621:1, 623:19, 656:22, 657:22, 658:24, 663:2, 663:5, 663:8, 663:17, 663:18, 664:12, 664:15, 673:5, 673:6, 673:9, 673:13, 673:15, 673:17, 673:18, 673:21, 677:19, 683:5, 683:7, 686:21, 695:2, 696:5, 696:18, 699:7, 709:13, 789:7, 789:9</p> <p>contexts [1] - 221:11</p> <p>contiguous [6] - 230:16, 230:20, 230:21, 530:22, 742:1, 743:8</p> <p>continents [1] - 113:22</p> <p>contingent [1] - 189:19</p> <p>continually [2] - 128:17, 139:8</p> <p>continuatio n [1] - 592:18</p> <p>continue [42] - 19:14, 42:18, 44:10, 56:22, 68:19, 70:3, 78:2, 94:23, 102:13, 102:19, 102:23, 108:20, 115:15, 129:12, 137:15, 146:9, 146:10, 146:15, 154:1, 160:23,</p>	<p>201:16, 234:1, 253:10, 262:25, 277:15, 335:14, 385:1, 385:23, 488:4, 546:11, 548:16, 551:8, 560:16, 567:2, 586:13, 707:12, 761:2, 773:23, 843:19, 881:14, 881:15, 881:16</p> <p>continued [12] - 87:22, 94:3, 102:7, 179:8, 361:18, 380:10, 501:7, 504:24, 509:9, 524:1, 600:6, 789:3</p> <p>continues [9] - 69:14, 74:12, 102:14, 184:12, 481:21, 586:5, 610:4, 612:17, 717:23</p> <p>continuing [5] - 241:11, 241:18, 593:4, 593:8, 600:12</p> <p>continuous [3] - 17:18, 28:13, 601:5</p> <p>continuously y [1] - 522:9</p> <p>contours [1] - 311:23</p> <p>contract [10] - 49:19, 167:25, 177:18, 254:5, 260:11, 355:10, 491:19, 550:17, 571:5, 862:13</p> <p>contracted [3] - 723:15, 726:1, 737:5</p> <p>contractor [5] - 8:14, 161:2, 175:14, 176:1, 176:2</p> <p>contractor/ wind [1] -</p>	<p>176:1</p> <p>contractors [8] - 175:5, 175:7, 175:15, 175:19, 176:11, 203:12, 848:5, 854:10</p> <p>contracts [8] - 49:21, 550:9, 823:8, 823:13, 836:16, 837:9, 838:15, 843:10</p> <p>contradict [2] - 349:1, 356:5</p> <p>contradictin g [1] - 348:11</p> <p>contradictio n [1] - 356:18</p> <p>Contrary [4] - 92:18, 203:18, 489:18, 824:17</p> <p>contrary [1] - 480:6</p> <p>contrast [22] - 246:22, 246:25, 247:3, 610:2, 610:9, 610:10, 610:12, 618:11, 618:13, 619:9, 619:19, 620:3, 624:5, 627:10, 627:12, 652:1, 653:8, 653:9, 653:17, 653:20, 653:25, 658:20</p> <p>contrasting [1] - 658:21</p> <p>contrasts [2] - 651:12, 652:1</p> <p>contribute [14] - 12:12, 39:15, 40:8, 45:22, 52:14, 107:25, 164:10, 405:4, 405:5, 580:24, 612:22, 718:23, 724:21, 774:9</p> <p>contributed [1] - 42:24</p> <p>contributes</p>	<p>[3] - 164:13, 719:1, 719:17</p> <p>contributing [2] - 568:21, 719:8</p> <p>contribution [10] - 65:21, 140:20, 417:15, 488:9, 507:21, 530:8, 554:14, 825:20, 848:1</p> <p>contribution s [2] - 331:9, 331:15</p> <p>contributor [3] - 62:9, 481:22, 488:2</p> <p>contributor s [1] - 410:9</p> <p>Control [1] - 152:10</p> <p>control [55] - 52:7, 121:7, 198:4, 198:6, 198:10, 198:19, 199:7, 202:21, 203:9, 203:13, 203:17, 203:20, 206:13, 207:15, 208:9, 208:13, 210:7, 210:20, 211:3, 212:18, 213:21, 214:5, 214:7, 214:13, 215:20, 216:20, 217:3, 217:6, 217:18, 217:20, 217:25, 219:1, 314:6, 357:12, 357:13, 357:20, 357:21, 357:22, 421:12, 485:19, 489:17, 611:13, 613:16, 633:4, 726:3, 726:4, 726:5, 726:10, 812:25, 885:22, 886:11, 886:13, 886:16, 887:8</p>	<p>[2] - 339:2, 885:18</p> <p>controls [7] - 195:20, 200:5, 201:14, 204:1, 204:14, 449:2, 858:7</p> <p>controversi al [1] - 141:24</p> <p>controversi es [1] - 93:10</p> <p>convened [1] - 459:4</p> <p>convenienc e [1] - 9:24</p> <p>convention al [9] - 822:10, 822:19, 822:21, 839:9, 854:1, 855:9, 855:18, 864:21, 865:4</p> <p>Convention al [1] - 481:16</p> <p>conversatio n [7] - 267:14, 317:14, 329:16, 506:15, 754:3, 754:22</p> <p>conversatio ns [3] - 568:14, 753:17, 753:20</p> <p>Conversely [1] - 297:12</p> <p>conversions [1] - 600:4</p> <p>converted [1] - 83:15</p> <p>convexed [1] - 210:4</p> <p>convey [2] - 199:9, 308:22</p> <p>conveyance [1] - 341:13</p> <p>conveyed [1] - 492:20</p> <p>convince [3] - 491:10, 535:16, 830:7</p> <p>convincd [4] - 58:22, 104:3, 752:3, 812:1</p> <p>convincing [1] - 469:15</p> <p>convoys [1] - 452:24</p>
--	---	--	---	---	---	--

<p>cookbook [1] - 714:20</p> <p>cool [3] - 216:17, 243:17, 725:18</p> <p>cooled [2] - 28:6, 28:7</p> <p>cooler [3] - 96:24, 243:15, 243:17</p> <p>Cooper [1] - 398:11</p> <p>cooperation [3] - 5:1, 681:3, 681:4</p> <p>coordinate [1] - 163:1</p> <p>coordinated [2] - 201:15, 209:10</p> <p>coordinatin g [1] - 229:8</p> <p>coordinator [3] - 76:10, 378:14, 387:9</p> <p>cope [1] - 66:17</p> <p>copied [2] - 51:16, 787:13</p> <p>copies [9] - 163:12, 318:14, 416:12, 481:1, 580:2, 644:3, 704:23, 704:25, 792:21</p> <p>Coplin [8] - 110:6, 110:12, 132:3, 147:21, 377:7, 467:4, 516:18, 516:21</p> <p>copy [5] - 53:23, 73:18, 157:12, 362:19, 580:4</p> <p>coral [2] - 416:2, 416:7</p> <p>cord [1] - 531:14</p> <p>core [5] - 364:21, 730:22, 736:10, 736:23, 747:17</p> <p>Corey [2] - 73:15, 480:23</p>	<p>corn [1] - 657:25</p> <p>Corner [1] - 30:5</p> <p>corner [5] - 111:23, 230:18, 406:14, 543:13, 781:21</p> <p>Corp [1] - 583:8</p> <p>corporate [11] - 106:12, 151:16, 186:12, 189:8, 190:23, 190:24, 202:15, 254:25, 261:4, 276:10, 483:7</p> <p>Corporation [16] - 10:20, 11:15, 80:6, 95:7, 158:1, 201:6, 219:19, 357:7, 413:13, 513:19, 816:10, 817:9, 820:21, 823:4, 827:24, 830:13</p> <p>corporation [7] - 189:14, 189:18, 189:19, 200:2, 330:9, 331:1, 513:21</p> <p>corporation s [5] - 189:9, 275:14, 275:18, 330:8, 528:17</p> <p>Corps [4] - 141:14, 287:5, 708:22, 754:19</p> <p>Correct [21] - 183:24, 213:17, 268:7, 308:19, 311:1, 322:5, 341:24, 342:5, 342:9, 342:21, 361:14, 369:25, 370:12, 372:14, 372:24, 372:25,</p>	<p>675:14, 768:23, 772:21, 773:1, 777:21</p> <p>correct [331] - 100:10, 128:16, 188:24, 188:25, 192:8, 240:19, 240:21, 267:22, 275:13, 279:20, 285:7, 285:13, 285:16, 286:3, 289:4, 290:19, 294:3, 294:13, 296:4, 296:14, 296:17, 296:25, 297:18, 298:4, 299:14, 299:15, 299:17, 302:11, 302:24, 303:6, 303:20, 303:21, 304:11, 305:5, 305:10, 305:14, 305:20, 306:3, 307:2, 307:3, 308:11, 309:18, 310:16, 310:25, 313:13, 313:14, 315:11, 315:21, 319:24, 322:4, 322:17, 322:20, 325:9, 326:2, 326:6, 326:14, 329:14, 329:15, 329:24, 330:1, 330:2, 330:9, 330:10, 330:14, 331:18, 336:13, 336:19, 337:4, 337:9, 338:10, 338:18, 339:14, 341:18, 342:25, 343:1,</p>	<p>346:5, 346:6, 346:8, 346:9, 347:21, 347:24, 348:14, 348:18, 349:14, 349:21, 350:1, 350:10, 360:22, 361:13, 366:16, 366:17, 366:20, 367:9, 368:17, 368:18, 369:12, 369:13, 369:24, 370:3, 370:7, 370:8, 370:11, 370:14, 371:1, 371:2, 371:4, 371:5, 371:9, 371:10, 372:13, 372:18, 372:22, 373:22, 373:23, 375:12, 375:23, 375:24, 376:23, 376:24, 379:23, 380:4, 381:15, 382:10, 389:7, 389:8, 389:15, 389:21, 389:22, 390:8, 390:9, 391:10, 398:8, 398:19, 399:13, 401:1, 416:19, 423:16, 428:3, 529:8, 559:17, 561:10, 571:10, 572:12, 572:14, 573:20, 574:2, 574:4, 574:16, 574:17, 575:4, 575:15, 577:8, 577:20, 579:3, 580:12, 581:2, 581:3, 581:6, 581:7, 582:7, 583:19, 589:4, 589:11, 614:6,</p>	<p>632:5, 632:16, 633:12, 633:13, 633:15, 633:16, 633:21, 635:3, 635:10, 635:13, 635:16, 635:17, 635:21, 635:25, 636:1, 636:6, 636:11, 636:18, 636:19, 636:22, 637:2, 637:3, 637:5, 637:20, 638:2, 639:10, 639:23, 640:2, 640:12, 641:7, 641:14, 641:19, 643:8, 645:4, 653:21, 673:11, 673:23, 673:24, 674:9, 674:12, 674:15, 675:13, 677:23, 678:1, 700:14, 700:16, 700:20, 700:21, 700:22, 700:23, 702:4, 702:8, 705:10, 705:11, 729:12, 751:17, 751:18, 753:9, 758:2, 758:8, 758:10, 758:11, 759:2, 759:15, 759:16, 761:21, 761:22, 761:24, 761:25, 762:8, 762:12, 763:9, 763:10, 764:16, 764:17, 765:3, 765:7, 765:11, 765:15, 765:16, 765:20, 766:9, 766:10, 767:2, 767:4, 767:5,</p>	<p>767:8, 767:9, 768:19, 768:20, 768:22, 769:1, 770:14, 770:23, 771:23, 771:24, 771:25, 772:10, 772:11, 772:20, 772:25, 773:7, 773:8, 776:9, 777:20, 777:23, 778:25, 779:25, 780:2, 780:5, 780:6, 785:9, 785:10, 785:15, 785:23, 786:2, 786:18, 788:1, 788:2, 790:17, 790:18, 790:21, 792:4, 792:13, 792:14, 794:12, 794:14, 802:16, 806:22, 809:23, 811:10, 812:10, 813:1, 813:2, 813:5, 813:6, 813:10, 813:11, 813:13, 813:14, 813:16, 813:17, 814:22, 815:8, 816:2, 831:20, 832:25, 841:12, 841:13, 843:8, 869:9, 869:22, 870:5, 870:6, 870:7, 873:7, 875:1, 879:1, 881:13, 881:24, 885:6, 885:7, 885:10, 886:11, 886:17, 887:8</p> <p>corrected [1] - 345:3</p> <p>correction [1] - 326:15</p> <p>Corrective</p>	<p>[1] - 42:19</p> <p>correctly [20] - 189:17, 216:2, 235:25, 239:20, 322:14, 389:19, 418:14, 419:15, 475:1, 558:18, 558:20, 558:22, 582:24, 639:18, 676:8, 812:13, 860:3, 864:23, 868:10, 883:12</p> <p>corridor [24] - 291:4, 293:18, 320:23, 324:10, 427:3, 429:6, 613:2, 613:9, 613:25, 614:20, 614:22, 621:14, 710:3, 742:2, 743:19, 752:21, 753:1, 755:16, 770:10, 770:11, 802:2, 803:24, 890:4</p> <p>corridors [5] - 236:6, 293:21, 644:24, 770:2, 779:3</p> <p>corrupt [1] - 643:23</p> <p>corrupts [1] - 608:15</p> <p>cost [71] - 25:18, 36:8, 64:7, 79:10, 79:15, 85:3, 85:11, 136:16, 136:20, 182:18, 192:19, 193:9, 193:10, 193:14, 193:22, 194:2, 259:5, 264:10, 333:1, 333:5, 338:7, 340:6, 340:7, 340:19, 350:6, 369:19, 370:15,</p>
---	--	--	---	--	---	---

<p>396:13, 396:15, 435:16, 437:15, 438:11, 445:17, 450:3, 450:8, 451:1, 452:14, 453:15, 453:21, 453:22, 485:8, 486:2, 518:13, 550:24, 570:8, 571:3, 571:19, 572:1, 583:16, 584:8, 588:1, 589:8, 675:21, 675:24, 676:1, 711:14, 723:21, 724:1, 725:19, 822:1, 822:11, 822:20, 823:22, 824:22, 836:6, 837:24, 838:3, 865:5, 877:23</p> <p>costly [4] - 109:14, 193:7, 243:13, 449:25</p> <p>costs [66] - 32:14, 53:18, 77:25, 79:20, 79:25, 95:18, 167:19, 167:21, 182:22, 192:24, 193:11, 193:15, 194:11, 254:6, 260:24, 261:20, 261:23, 264:15, 268:25, 333:9, 333:12, 333:13, 333:14, 340:10, 344:5, 351:3, 351:8, 370:7, 370:10, 423:20, 437:23, 437:25, 438:4, 438:6, 438:8, 446:2, 450:11, 450:14, 450:17, 451:4, 451:20,</p>	<p>452:10, 452:18, 485:17, 508:24, 550:11, 557:13, 570:1, 570:6, 570:16, 571:16, 571:20, 572:2, 572:18, 583:17, 583:18, 583:20, 583:24, 584:11, 587:12, 587:25, 654:19, 654:20, 821:7, 822:10</p> <p>Cota [3] - 466:23, 470:23, 470:25</p> <p>COTA [1] - 470:25</p> <p>cottage [1] - 133:21</p> <p>Council [19] - 62:9, 73:23, 82:25, 344:14, 344:21, 409:23, 426:17, 431:20, 459:24, 493:17, 544:1, 552:17, 552:18, 554:2, 555:8, 566:19, 783:25, 796:25, 805:11</p> <p>councils [1] - 557:5</p> <p>Counsel [2] - 506:8, 506:11</p> <p>counsel [5] - 156:13, 156:15, 493:16, 506:16, 592:25</p> <p>count [3] - 91:16, 364:5, 614:2</p> <p>counted [3] - 49:24, 51:8, 712:5</p> <p>counter [1] -</p>	<p>245:1</p> <p>counterintui tive [1] - 859:4</p> <p>counties [2] - 35:9, 267:25</p> <p>counting [5] - 391:21, 391:24, 487:15, 825:15, 856:15</p> <p>countless [4] - 326:22, 455:10, 497:19, 535:14</p> <p>countries [4] - 23:4, 431:14, 525:6, 540:19</p> <p>Country [1] - 870:21</p> <p>country [76] - 1:15, 15:23, 17:25, 19:2, 19:20, 37:14, 42:2, 47:15, 58:13, 58:20, 87:5, 89:5, 89:14, 92:22, 98:9, 102:17, 105:15, 115:2, 115:6, 120:22, 129:1, 137:14, 138:17, 143:5, 143:6, 164:22, 168:9, 169:12, 182:11, 191:18, 192:5, 249:10, 256:17, 272:21, 274:25, 275:1, 275:5, 279:15, 316:10, 325:20, 375:19, 402:1, 411:14, 431:13, 456:2, 456:21, 458:16, 468:25, 470:7, 470:17, 483:9, 484:18, 496:25, 498:25, 499:23, 507:17, 514:24, 515:14, 515:25,</p>	<p>520:14, 520:18, 526:11, 526:12, 527:4, 538:11, 545:4, 668:21, 706:24, 747:5, 784:9, 791:7, 829:25, 852:18, 869:21, 889:25, 891:13</p> <p>country's [1] - 108:7</p> <p>countryside [2] - 316:13, 596:25</p> <p>counts [3] - 804:23, 820:18, 856:19</p> <p>County [57] - 2:11, 6:10, 16:21, 38:11, 38:14, 38:15, 39:4, 39:5, 40:2, 45:9, 52:20, 57:24, 58:4, 58:15, 71:8, 71:20, 85:17, 85:18, 86:2, 92:2, 125:18, 141:23, 142:16, 152:7, 155:15, 158:4, 253:7, 253:19, 253:20, 254:4, 254:9, 254:11, 255:3, 267:21, 268:1, 273:13, 442:14, 447:14, 448:24, 449:7, 460:17, 460:18, 467:7, 526:7, 535:7, 548:18, 548:22, 549:3, 549:6, 593:7, 735:11, 736:23, 844:1, 844:4, 848:5, 854:17, 870:20</p> <p>county [4] - 38:18, 71:11, 314:11, 551:3</p> <p>couple [84] -</p>	<p>4:8, 5:22, 11:9, 13:1, 14:5, 15:17, 16:8, 17:1, 40:2, 51:16, 60:14, 83:11, 101:10, 130:20, 134:3, 135:18, 145:3, 145:16, 166:16, 168:13, 169:13, 170:6, 170:23, 174:15, 180:15, 180:18, 189:21, 221:11, 221:25, 224:18, 224:22, 227:16, 262:14, 269:7, 287:16, 288:7, 291:22, 329:6, 336:5, 361:15, 383:22, 387:19, 389:9, 395:2, 396:21, 414:5, 419:10, 434:13, 471:10, 471:12, 471:20, 500:7, 516:2, 516:19, 517:6, 549:20, 555:11, 558:15, 563:12, 587:6, 594:5, 610:18, 616:18, 618:3, 619:3, 637:8, 669:16, 669:20, 688:20, 689:18, 711:4, 711:11, 717:16, 718:11, 727:5, 738:3, 739:10, 746:23, 757:21, 758:18, 794:4, 829:13, 830:17, 889:7</p> <p>coupled [3] - 210:9, 214:20, 498:11</p> <p>Course [2] - 226:9, 847:2</p>	<p>course [61] - 11:13, 15:8, 35:16, 39:23, 102:9, 146:18, 172:10, 173:21, 190:2, 222:15, 222:19, 225:25, 227:5, 243:23, 244:12, 247:21, 251:19, 253:14, 268:15, 282:23, 286:20, 288:4, 293:8, 296:7, 319:13, 325:1, 348:23, 402:10, 402:12, 403:5, 420:19, 463:4, 470:13, 480:18, 481:2, 493:14, 495:24, 499:14, 508:16, 510:9, 516:25, 541:17, 542:5, 559:5, 613:16, 617:14, 625:18, 669:12, 686:7, 688:7, 692:13, 708:24, 801:2, 854:8, 858:14, 865:5, 866:14, 872:22, 886:22, 893:13, 893:24</p> <p>courses [2] - 243:11, 711:1</p> <p>Court [2] - 536:19, 872:1</p> <p>court [12] - 1:22, 1:24, 3:16, 156:24, 444:13, 444:16, 460:23, 460:25, 512:11, 566:6, 593:22, 893:9</p> <p>courtesy [4] - 5:22, 334:2, 443:22, 443:24</p>	<p>Cousin's [1] - 140:16</p> <p>Coutoonoo k [1] - 496:5</p> <p>cover [11] - 103:1, 192:22, 232:18, 301:13, 406:15, 587:25, 628:2, 651:18, 799:13, 865:5, 867:4</p> <p>coverage [1] - 207:2</p> <p>covered [2] - 286:7, 793:25</p> <p>covering [1] - 202:24</p> <p>covers [1] - 50:7</p> <p>cow [1] - 30:22</p> <p>Cowger [5] - 16:15, 16:20, 20:18, 114:7, 136:19</p> <p>COWGER [1] - 16:17</p> <p>Cowger's [1] - 135:25</p> <p>cozy [1] - 39:11</p> <p>crack [3] - 177:13, 582:25, 583:4</p> <p>cracks [1] - 656:21</p> <p>CRAEMER [1] - 25:5</p> <p>Craemer [6] - 23:15, 25:4, 25:8, 62:23, 846:21, 888:24</p> <p>crane [7] - 198:13, 212:14, 215:23, 309:15, 309:20, 310:2, 708:10</p> <p>cranes [1] - 309:22</p> <p>cranking [1] - 475:21</p> <p>crash [1] - 565:5</p> <p>crashes [1] - 468:21</p>
---	--	---	--	---	--	---

<p>CRASNICK [1] - 54:3</p> <p>Crasnick [3] - 51:12, 54:1, 54:3</p> <p>crazy [1] - 655:25</p> <p>cream [1] - 449:8</p> <p>create [25] - 21:2, 25:10, 48:6, 64:9, 91:7, 168:21, 180:13, 209:1, 253:7, 254:16, 258:7, 265:23, 286:24, 377:1, 435:8, 519:21, 523:4, 549:23, 598:21, 608:12, 636:18, 821:12, 838:22, 865:17, 871:15</p> <p>Create [1] - 530:12</p> <p>created [23] - 20:25, 49:11, 107:18, 172:24, 272:12, 296:22, 297:6, 327:4, 411:8, 460:9, 479:4, 484:2, 519:10, 519:11, 544:13, 612:16, 641:7, 657:7, 704:17, 750:16, 822:11, 824:8, 842:3</p> <p>creates [9] - 66:17, 166:8, 373:14, 476:11, 524:5, 653:5, 770:22, 827:16, 887:2</p> <p>creating [9] - 61:5, 77:11, 241:16, 600:3, 724:20, 766:7, 840:20, 850:24, 884:13</p> <p>creation [2] - 296:20, 732:17</p>	<p>creations [1] - 37:17</p> <p>creative [2] - 437:22, 586:12</p> <p>creatures [1] - 46:22</p> <p>credation [1] - 300:8</p> <p>credentials [2] - 257:19, 735:24</p> <p>Credit [1] - 181:19</p> <p>credit [28] - 153:9, 180:5, 181:21, 272:7, 272:9, 279:23, 279:25, 280:6, 281:9, 281:10, 281:25, 282:10, 405:22, 552:21, 853:15, 853:18, 853:23, 858:1, 864:19, 878:17, 881:19, 887:15, 888:10, 888:5, 888:16, 888:19</p> <p>creditability [1] - 119:17</p> <p>credits [58] - 151:17, 153:7, 262:23, 272:6, 272:15, 272:24, 273:8, 273:12, 273:14, 273:14, 273:20, 274:2, 274:5, 274:6, 274:9, 274:14, 274:16, 274:22, 274:23, 274:24, 275:15, 275:22, 276:20, 276:21, 276:25, 277:6, 278:25, 279:19, 280:8, 280:18, 281:5, 281:6, 281:14,</p>	<p>382:4, 382:7, 383:1, 383:2, 383:4, 383:13, 383:16, 453:18, 475:18, 489:24, 550:19, 821:20, 855:15, 856:3, 858:5, 858:7, 858:8, 861:23, 863:19, 866:21, 871:15, 878:14, 878:23, 878:25, 879:16, 879:21</p> <p>Creek [2] - 813:7, 813:9</p> <p>creeping [2] - 102:6, 102:7</p> <p>Crest [2] - 641:6, 641:10</p> <p>crest [1] - 614:25</p> <p>Crete [1] - 69:8</p> <p>Cretians [1] - 69:9</p> <p>crew [5] - 376:22, 377:8, 378:10, 379:5, 379:6</p> <p>Crew's [1] - 639:22</p> <p>Crews [22] - 224:2, 247:22, 250:7, 326:25, 327:9, 328:16, 576:10, 576:15, 597:21, 600:15, 624:21, 631:24, 632:6, 635:3, 640:6, 643:6, 644:9, 651:2, 662:14, 662:23, 678:6, 700:12</p> <p>CREWS [16] - 600:15, 614:1, 614:6, 617:19, 618:21, 619:21, 620:10, 623:7, 623:9, 623:22,</p>	<p>624:12, 624:17, 625:14, 626:17, 630:11, 640:2</p> <p>Crews' [4] - 251:19, 661:10, 662:3, 677:24</p> <p>crill's [1] - 565:24</p> <p>crime [1] - 133:10</p> <p>crises [1] - 126:11</p> <p>crisis [7] - 97:4, 97:8, 481:9, 514:8, 539:8, 561:4, 755:12</p> <p>crisp [1] - 29:22</p> <p>criteria [70] - 2:24, 3:20, 45:16, 155:22, 157:3, 165:22, 166:1, 175:10, 235:25, 319:2, 327:8, 345:17, 345:21, 345:23, 345:24, 355:6, 360:1, 363:25, 456:10, 461:6, 461:7, 493:7, 517:10, 519:7, 530:12, 593:14, 594:1, 594:18, 594:21, 594:23, 603:8, 625:7, 625:25, 626:7, 626:14, 627:10, 627:14, 645:15, 647:13, 647:14, 648:13, 649:7, 650:22, 650:23, 651:3, 651:5, 651:6, 653:8, 654:2, 664:23, 665:7, 686:15, 696:15, 728:10, 728:16, 731:8, 731:19, 743:1, 755:8, 756:12,</p>	<p>756:25, 757:1, 768:15, 785:6, 813:20, 843:2, 847:19, 879:9</p> <p>criterion [4] - 628:7, 695:20, 847:25, 848:8</p> <p>critical [16] - 64:24, 166:2, 171:9, 306:16, 370:13, 605:18, 606:13, 607:19, 608:4, 681:23, 686:11, 696:7, 702:1, 702:4, 703:3, 749:22</p> <p>critically [1] - 230:8</p> <p>criticism [1] - 92:24</p> <p>criticisms [1] - 643:6</p> <p>criticizing [3] - 285:12, 306:23, 712:16</p> <p>critics [1] - 93:8</p> <p>Crocker [25] - 10:14, 36:20, 123:18, 138:8, 224:23, 323:19, 323:20, 323:25, 324:7, 324:22, 325:1, 325:3, 453:11, 604:12, 605:6, 688:15, 690:2, 700:22, 702:6, 738:10, 741:25, 742:9, 742:19, 742:23</p> <p>Crockers [1] - 688:13</p> <p>cropped [1] - 638:13</p> <p>crops [2] - 57:14, 232:22</p> <p>CROSS [1] - 284:25</p> <p>cross [59] - 58:20, 102:17, 128:25, 156:11, 199:4, 199:5, 207:25, 239:10, 283:1,</p>	<p>283:6, 283:15, 284:5, 284:7, 284:14, 284:20, 334:2, 335:12, 359:22, 360:12, 365:7, 385:2, 386:22, 408:22, 428:9, 440:20, 508:13, 527:4, 569:13, 593:9, 593:18, 615:2, 622:16, 631:10, 644:5, 670:22, 680:25, 699:14, 707:9, 727:10, 735:20, 761:8, 764:22, 779:3, 797:1, 808:16, 814:20, 814:25, 815:2, 815:4, 829:6, 846:5, 846:17, 846:21, 863:12, 889:25, 891:13</p> <p>cross- examination [18] - 156:11, 239:10, 283:1, 283:15, 284:5, 284:7, 284:20, 335:12, 360:12, 408:22, 428:9, 440:20, 569:13, 593:9, 593:18, 622:16, 727:10, 761:8</p> <p>CROSS- EXAMINATIO N [1] - 284:25</p> <p>cross- examine [6] - 283:6, 386:22, 680:25, 797:1, 815:2, 846:17</p> <p>cross- examined [4] - 365:7, 814:20, 846:5, 846:21</p> <p>cross- examiner's [1] - 735:20</p> <p>cross-</p>	<p>examiners [1] - 829:6</p> <p>cross- examining [2] - 284:14, 808:16</p> <p>crossing [2] - 621:20, 822:11</p> <p>crossings [2] - 702:17, 804:3</p> <p>Crossman [3] - 786:21, 786:23, 787:14</p> <p>crossroads [2] - 60:24, 60:25</p> <p>crunch [1] - 408:4</p> <p>crux [1] - 121:9</p> <p>crystal [1] - 658:9</p> <p>crystals [1] - 28:9</p> <p>cubic [2] - 724:14, 767:18</p> <p>cues [1] - 145:10</p> <p>cultural [14] - 92:16, 222:9, 226:3, 248:25, 249:4, 329:10, 596:6, 596:10, 598:8, 598:11, 629:3, 629:6, 685:25, 696:3</p> <p>culture [3] - 107:2, 186:12, 545:15</p> <p>culverting [1] - 198:25</p> <p>Cumberland [5] - 75:18, 78:8, 127:11, 136:18, 540:12</p> <p>Cummings [5] - 494:2, 500:1, 500:3, 509:6, 520:22</p> <p>CUMMINGS [1] - 500:3</p> <p>cumulative [3] - 596:8, 705:13, 828:23</p>
--	--	---	--	--	--	--

<p>Cupsuptic [1] - 529:21</p> <p>curbing [2] - 101:2, 174:8</p> <p>cure [1] - 97:4</p> <p>cure-all [1] - 97:4</p> <p>curious [3] - 374:16, 439:22, 623:19</p> <p>currency [1] - 864:11</p> <p>current [29] - 16:24, 80:24, 128:1, 220:10, 223:8, 314:24, 398:21, 399:19, 406:14, 406:15, 474:23, 476:2, 476:23, 482:13, 483:25, 485:21, 485:24, 514:8, 558:16, 575:23, 577:6, 579:17, 588:12, 647:20, 760:5, 838:25, 839:1, 879:1</p> <p>currents [2] - 415:16, 415:20</p> <p>curt [3] - 284:15, 316:2, 631:19</p> <p>curtailment [1] - 297:21</p> <p>curve [1] - 93:6</p> <p>curves [2] - 314:12, 532:8</p> <p>Cushion [1] - 117:8</p> <p>cushion [1] - 118:25</p> <p>customer [8] - 273:16, 273:18, 274:18, 275:15, 280:5, 367:1, 820:23, 823:1</p> <p>customers [35] - 180:23,</p>	<p>183:8, 256:14, 260:6, 260:10, 260:15, 260:16, 261:21, 261:24, 262:8, 262:20, 263:1, 267:13, 272:17, 273:12, 273:24, 276:3, 277:1, 280:10, 359:12, 574:1, 817:7, 821:2, 821:13, 821:17, 821:21, 822:16, 822:17, 823:6, 836:14, 836:24, 837:6, 837:19, 837:23, 838:2</p> <p>Customers [1] - 262:5</p> <p>customizing [1] - 206:22</p> <p>cut [26] - 116:24, 120:2, 142:9, 152:18, 152:20, 229:20, 240:23, 240:24, 240:25, 241:5, 324:6, 347:3, 368:14, 464:13, 464:15, 464:16, 518:7, 550:19, 568:11, 571:24, 691:10, 714:4, 745:7, 812:21, 870:25, 877:24</p> <p>CUTLER [2] - 255:5, 266:18</p> <p>Cutler [2] - 255:5, 669:17</p> <p>cuts [4] - 122:22, 197:2, 210:12, 804:17</p> <p>cutted [1] - 118:21</p> <p>cutting [16] - 40:23, 118:20, 118:23,</p>	<p>196:22, 225:14, 232:2, 236:5, 236:15, 250:10, 346:24, 429:22, 456:5, 464:20, 568:5, 663:21, 766:15</p> <p>cuttings [1] - 213:12</p> <p>cycle [10] - 66:14, 299:10, 300:15, 301:17, 397:3, 729:15, 826:5, 826:6</p> <p>cynicism [1] - 70:9</p> <p>CYPCOL [1] - 402:5</p>	<p>459:20, 500:17, 500:18, 518:18, 523:3, 524:9, 726:4, 726:10</p> <p>damaged [1] - 177:15</p> <p>damages [1] - 828:22</p> <p>damaging [2] - 286:10, 809:13</p> <p>Damariscott a [1] - 465:25</p> <p>damming [1] - 518:18</p> <p>Damn [1] - 109:13</p> <p>damn [2] - 142:3, 148:6</p> <p>damned [1] - 148:4</p> <p>damns [2] - 188:13, 188:14</p> <p>dampened [1] - 74:12</p> <p>dams [10] - 51:2, 430:11, 430:12, 476:18, 518:17, 518:20, 578:7, 585:23, 586:8, 586:9</p> <p>Dan [1] - 407:21</p> <p>dancing [2] - 108:8, 126:3</p> <p>danger [2] - 495:12, 553:4</p> <p>dangerous [4] - 41:23, 47:10, 74:17, 92:3</p> <p>dangerousl y [1] - 75:24</p> <p>dangers [2] - 52:9, 508:22</p> <p>Danish [1] - 854:9</p> <p>dark [6] - 29:12, 48:17, 217:10, 217:11, 242:23, 704:13</p> <p>darker [3] - 196:15,</p>	<p>662:11, 741:17</p> <p>darkness [1] - 46:21</p> <p>darn [1] - 142:15</p> <p>darned [1] - 31:20</p> <p>Dartmouth [1] - 483:11</p> <p>data [89] - 63:25, 150:14, 168:4, 227:7, 231:13, 234:25, 235:13, 263:13, 270:24, 296:19, 299:6, 299:9, 301:19, 302:3, 303:8, 303:15, 304:20, 305:4, 312:1, 314:9, 333:17, 333:18, 358:13, 360:25, 362:4, 362:6, 362:7, 364:8, 364:11, 364:13, 364:16, 364:18, 365:3, 365:4, 365:5, 365:20, 367:11, 367:14, 380:12, 380:14, 380:19, 380:22, 380:23, 397:2, 397:23, 398:7, 398:12, 399:1, 399:10, 399:20, 402:24, 413:14, 418:25, 422:25, 425:17, 434:3, 435:13, 435:16, 435:17, 535:19, 605:2, 608:16, 628:18, 628:20, 630:5, 632:6, 716:6, 718:12,</p>	<p>728:19, 728:21, 729:2, 730:11, 732:16, 732:18, 744:23, 747:16, 756:6, 769:17, 773:11, 774:7, 799:1, 801:24, 849:21, 850:20, 851:3, 851:13, 851:14, 877:1</p> <p>date [18] - 4:5, 8:18, 8:25, 9:8, 161:6, 161:8, 161:23, 162:1, 202:10, 247:17, 315:16, 330:17, 361:5, 380:13, 682:4, 738:22, 801:12, 809:4</p> <p>dated [2] - 365:18, 643:15</p> <p>dates [13] - 4:8, 4:9, 9:1, 9:2, 9:6, 161:16, 361:8, 630:13, 793:16, 798:9, 799:12, 799:14, 892:5</p> <p>dating [2] - 526:4, 608:6</p> <p>daunting [3] - 76:2, 76:21, 144:2</p> <p>Dave [43] - 22:6, 22:10, 22:13, 114:7, 215:10, 215:11, 215:13, 215:16, 217:23, 219:4, 219:6, 225:8, 317:3, 386:6, 387:16, 393:9, 394:11, 466:23, 470:23, 470:25, 473:25, 502:25, 503:1, 583:5, 712:20,</p>	<p>719:21, 721:17, 735:9, 747:16, 747:20, 753:19, 754:2, 754:7, 757:11, 757:16, 770:21, 778:13, 808:25, 837:20, 839:11</p> <p>Dave's [1] - 778:18</p> <p>David [18] - 64:18, 81:20, 84:2, 84:5, 91:18, 93:19, 131:23, 131:25, 413:8, 500:2, 521:17, 521:19, 739:17, 780:17, 797:6, 799:19, 839:14</p> <p>Davis [8] - 36:25, 48:24, 51:12, 51:13, 98:24, 100:9, 100:11</p> <p>DAVIS [1] - 100:11</p> <p>day-by-day [1] - 381:19</p> <p>days [60] - 3:25, 4:1, 4:8, 11:9, 13:1, 14:5, 15:17, 16:8, 23:10, 26:16, 26:17, 26:19, 37:22, 49:15, 50:16, 50:17, 50:18, 50:24, 76:22, 76:23, 91:13, 113:3, 287:16, 290:1, 338:15, 365:24, 366:14, 366:18, 366:25, 445:4, 454:14, 466:4, 468:14, 469:4, 499:12, 514:21, 534:11, 535:14, 541:16, 547:3, 604:8, 616:22,</p>
---	---	--	--	---	--	--

<p>616:23, 651:21, 658:9, 684:15, 769:18, 799:13, 803:3, 825:9, 839:18, 840:12, 841:18, 863:1, 867:9, 867:25, 891:24, 892:1, 893:12</p> <p>daytime [1] - 517:13</p> <p>DC [1] - 795:24</p> <p>de [1] - 673:16</p> <p>Dead [5] - 36:18, 49:5, 110:7, 148:4, 525:20</p> <p>dead [2] - 464:13, 730:1</p> <p>deadline [2] - 8:11, 160:20</p> <p>deadlines [1] - - 310:18</p> <p>deal [31] - 27:9, 54:22, 74:1, 76:15, 80:16, 91:3, 143:21, 153:19, 204:7, 210:6, 228:16, 228:23, 296:5, 296:9, 327:10, 327:15, 377:17, 407:12, 407:14, 408:14, 438:13, 451:9, 451:10, 504:23, 509:16, 538:22, 623:2, 649:6, 709:24, 751:8, 789:5</p> <p>dealing [14] - 76:11, 144:8, 236:24, 326:23, 409:14, 465:13, 496:13, 506:24, 507:1, 611:4, 749:7, 837:23, 858:16, 860:20</p>	<p>deals [5] - 261:21, 436:12, 436:15, 656:7, 845:12</p> <p>dealt [1] - 845:11</p> <p>Dean [3] - 486:23, 491:6, 494:4</p> <p>dear [2] - 216:7, 538:10</p> <p>Dear [1] - 481:3</p> <p>dearly [2] - 469:23, 567:1</p> <p>death [5] - 114:25, 145:23, 416:2, 679:9, 825:8</p> <p>debate [3] - 495:23, 529:24, 561:1</p> <p>debated [1] - 96:7</p> <p>debating [1] - 20:14</p> <p>debris [1] - 795:11</p> <p>debt [2] - 438:9, 508:19</p> <p>decade [4] - 13:5, 20:17, 220:6, 513:18</p> <p>decades [4] - 79:5, 108:10, 534:23, 826:9</p> <p>decades' [1] - - 739:11</p> <p>December [10] - 7:23, 7:25, 85:4, 160:8, 279:14, 279:16, 400:6, 579:23, 739:21, 788:19</p> <p>decibels [1] - 476:15</p> <p>decide [12] - 5:8, 118:19, 121:18, 439:5, 480:13, 508:13, 630:25, 682:15, 695:21, 772:7, 781:16, 840:9</p> <p>decided [12] - 88:22, 103:23,</p>	<p>358:21, 365:12, 466:4, 484:22, 615:15, 629:12, 695:22, 749:10, 857:18, 861:21</p> <p>decidedly [1] - - 109:4</p> <p>decides [1] - 438:19</p> <p>deciding [3] - 483:17, 534:13, 626:14</p> <p>decimated [1] - 783:5</p> <p>decision [57] - - 3:23, 24:14, 24:15, 44:13, 45:13, 45:16, 61:10, 77:10, 77:17, 77:21, 96:9, 100:21, 103:12, 134:15, 136:9, 136:14, 139:2, 143:8, 190:15, 322:10, 331:21, 360:7, 364:9, 365:12, 410:18, 418:12, 418:13, 418:19, 424:20, 447:8, 448:9, 461:19, 462:13, 465:16, 470:18, 470:20, 492:5, 498:7, 509:4, 510:25, 512:3, 535:22, 536:17, 549:12, 549:18, 550:3, 550:4, 550:7, 553:24, 594:21, 625:5, 655:1, 694:6, 806:6, 863:8, 888:12</p> <p>decisions [11] - 17:7, 60:25, 61:1, 104:11, 358:19,</p>	<p>363:22, 753:4, 773:19, 830:1, 831:1</p> <p>Decisions [2] - - 322:18, 323:19</p> <p>declare [2] - 825:1, 893:25</p> <p>declared [1] - 490:24</p> <p>decline [11] - 190:10, 265:23, 375:3, 378:23, 565:24, 733:15, 778:1, 778:9, 793:16, 826:15, 826:18</p> <p>declined [1] - 682:10</p> <p>declines [1] - 733:17</p> <p>declining [1] - - 793:13</p> <p>decommissi on [4] - 170:13, 466:11, 655:15, 674:24</p> <p>decommissi oned [1] - 674:25</p> <p>decommissi oning [7] - 333:2, 333:7, 333:12, 570:1, 655:13, 674:18, 674:19</p> <p>decommissi ons [2] - 184:8, 333:13</p> <p>decompens ation [1] - 26:9</p> <p>decompose [1] - 218:5</p> <p>decomposit ion [1] - 216:18</p> <p>decrease [4] - - 130:21, 259:1, 844:25, 845:1</p> <p>decreased [3] - 103:1, 103:2, 799:12</p> <p>decreasing [2] - 120:12, 874:15</p> <p>dedicated [3]</p>	<p>- 69:17, 200:21, 746:22</p> <p>Deduction [1] - 181:19</p> <p>deemed [6] - 8:5, 98:21, 162:13, 572:21, 587:25, 805:4</p> <p>deems [1] - 872:7</p> <p>deep [17] - 46:20, 62:4, 107:1, 203:6, 311:8, 314:22, 315:1, 315:4, 315:5, 354:11, 456:8, 458:2, 469:13, 713:20, 721:14, 806:21, 816:21</p> <p>deeper [1] - 101:15</p> <p>deeply [6] - 81:8, 81:9, 266:10, 409:4, 508:20, 588:4</p> <p>Deerfield [2] - - 681:17, 806:19</p> <p>defeated [1] - 48:22</p> <p>defect [1] - 799:4</p> <p>defer [1] - 307:25</p> <p>deference [2] - - 62:23, 647:3</p> <p>deficiencies [2] - 8:2, 160:10</p> <p>deficit [2] - 598:18, 598:20</p> <p>defile [1] - 105:13</p> <p>define [4] - 191:2, 217:18, 415:23, 640:4</p> <p>defined [8] - 293:17, 294:17, 415:16, 624:4, 651:7, 685:23, 873:8</p> <p>defines [3] - 409:17,</p>	<p>476:15, 594:19</p> <p>definitely [10] - - 48:21, 149:3, 239:16, 340:15, 434:1, 614:22, 640:10, 712:25, 758:11, 849:12</p> <p>definition [16] - 191:3, 232:8, 292:1, 292:13, 301:3, 301:7, 301:16, 640:6, 640:9, 673:6, 702:25, 728:21, 754:19, 801:14, 872:18</p> <p>definitions [8] - 272:24, 609:20, 609:23, 610:5, 627:13, 645:11, 652:13, 652:21</p> <p>definitive [3] - - 18:3, 19:1, 867:17</p> <p>definitively [1] - 436:6</p> <p>defray [2] - 530:3, 570:16</p> <p>degrade [2] - 734:23, 740:10</p> <p>degradation [1] - - 388:16</p> <p>degree [18] - 81:12, 175:6, 190:21, 227:19, 313:6, 421:11, 424:24, 424:25, 541:11, 541:16, 542:5, 546:18, 546:21, 562:4, 603:12, 782:18, 802:10, 847:16</p> <p>degrees [17] - - 28:9, 113:21, 227:20,</p>	<p>236:10, 251:11, 366:9, 368:12, 368:17, 393:21, 541:9, 541:25, 542:1, 605:23, 605:25, 693:18, 825:2</p> <p>Delaware [3] - - 330:13, 330:15, 752:12</p> <p>delayed [1] - 282:23</p> <p>delaying [1] - 680:23</p> <p>delegated [1] - - 612:25</p> <p>Delene [3] - 84:2, 88:5, 88:6</p> <p>delete [1] - 520:16</p> <p>deleterious [1] - 828:12</p> <p>deliberation s [2] - 499:25, 523:14</p> <p>delighted [3] - - 53:12, 114:8, 506:1</p> <p>delineate [1] - - 743:1</p> <p>delineated [2] - 300:23, 370:1</p> <p>delineating [1] - 287:6</p> <p>deliver [2] - 12:2, 12:4</p> <p>delivered [1] - - 435:16</p> <p>delivering [3] - - 165:16, 434:20, 588:22</p> <p>delivery [1] - 152:5</p> <p>DeLuca [11] - 176:3, 195:1, 195:3, 195:10, 199:21, 201:5, 209:25, 307:16, 307:19, 308:6, 766:14</p> <p>DeLuca- Hoffman [10] - 176:3, 195:1,</p>
---	---	--	---	---	---	---

<p>195:3, 195:10, 199:21, 201:5, 209:25, 307:16, 307:19, 308:6 deluge [1] - 539:24 Demand [1] - 261:24 demand [40] - 16:1, 87:18, 337:18, 338:15, 432:10, 433:3, 436:21, 476:5, 481:13, 818:7, 818:14, 819:9, 819:22, 820:16, 821:9, 822:5, 822:12, 822:22, 823:1, 828:5, 828:9, 840:16, 840:18, 851:24, 851:25, 852:1, 852:3, 852:21, 853:1, 853:14, 854:1, 855:22, 865:17, 885:5, 885:9, 885:11, 885:12, 885:13, 886:2, 886:15 demands [4] - 402:20, 432:15, 853:12, 872:13 Demere [3] - 131:23, 131:25, 141:1 democracy [2] - 20:11, 96:19 Democracy [6] - 54:5, 54:7, 54:15, 55:1, 56:13, 56:23 demographi c [1] - 169:18 demographi cs [1] - 451:24 demolition [1] - 50:5 Demonstrat e [1] - 728:15 demonstrat e [15] - 51:5, 87:10, 104:10,</p>	<p>151:3, 151:5, 178:6, 227:5, 272:19, 272:23, 427:25, 428:7, 515:12, 535:9, 604:15 demonstrat ed [8] - 170:16, 453:8, 774:10, 818:6, 823:2, 823:20, 828:4, 849:7 demonstrat es [1] - 224:4 demonstrati on [4] - 465:21, 470:8, 839:8 demonstrati ons [1] - 24:25 Denial [1] - 464:21 denied [9] - 331:18, 331:19, 420:22, 493:7, 534:10, 534:12, 676:13, 698:19, 806:16 Denmark [5] - 456:2, 555:15, 556:1, 562:6, 562:10 densities [6] - 296:12, 296:14, 388:14, 633:15, 732:8, 758:16 density [2] - 327:20, 634:10 dent [1] - 131:2 dentist [1] - 452:3 deny [5] - 24:18, 112:13, 463:10, 537:1, 746:10 denying [2] - 250:12, 529:8 DEP [20] - 174:1, 195:6, 198:6, 202:14, 203:14, 207:14, 285:10,</p>	<p>285:12, 285:19, 285:21, 319:2, 319:3, 319:18, 326:23, 399:15, 591:19, 675:12, 679:20, 709:7, 754:4 DEP's [1] - 251:2 department [3] - 35:24, 413:9, 774:24 Department [11] - 159:2, 160:4, 220:9, 387:9, 387:12, 681:11, 686:4, 763:12, 765:5, 774:15, 848:20 department s [1] - 763:13 dependable [1] - 129:9 dependance [1] - 874:16 depended [2] - 132:18, 138:2 Dependenc e [1] - 127:10 dependence [12] - 12:6, 54:25, 168:16, 168:20, 258:25, 265:25, 266:5, 375:5, 427:8, 471:5, 539:8, 681:24 dependency [2] - 110:20, 134:13 dependent [9] - 64:7, 66:16, 481:17, 497:15, 558:11, 589:7, 589:8, 729:14, 850:7 depict [1] - 632:9 depicted [3] - 601:23, 632:11, 635:20 depicting [1]</p>	<p>- 634:9 depicts [1] - 732:23 depletion [2] - 39:16, 40:9 deploy [4] - 12:1, 190:19, 194:7, 194:9 deploying [1] - 194:10 deposited [2] - 724:20, 766:7 deposits [1] - 826:17 deprecation [1] - 51:19 depreciatio n [4] - 51:20, 151:18, 282:10, 453:18 depress [1] - 344:11 depressed [1] - 560:25 depression [2] - 469:4, 803:19 depth [4] - 203:10, 417:9, 462:1, 462:16 deputy [1] - 331:20 deregulatio n [1] - 539:12 derive [1] - 728:19 derived [1] - 861:11 deriving [1] - 862:23 descending [2] - 689:4, 689:25 describe [18] - 56:19, 165:24, 170:19, 210:21, 217:20, 319:13, 376:14, 463:3, 463:6, 555:14, 556:7, 632:23, 634:24, 635:24, 657:7, 733:5, 757:11, 801:9 described</p>	<p>[18] - 78:9, 181:5, 190:7, 229:12, 279:25, 280:9, 306:6, 365:20, 368:1, 402:13, 601:19, 610:6, 633:10, 700:13, 702:4, 729:19, 801:4, 823:3 describes [5] - 331:8, 429:20, 594:20, 797:9, 800:20 describing [2] - 160:10, 615:24 description [10] - 48:10, 184:10, 291:2, 321:17, 461:8, 609:21, 618:11, 632:13, 780:25, 790:11 description s [1] - 52:8 desecrate [3] - 24:19, 122:4, 136:13 Desecrating [1] - 501:12 desecration [3] - 48:5, 150:6, 462:19 Desert [2] - 86:21, 87:2 deserve [1] - 321:21 deserves [2] - 476:19, 828:25 deserving [1] - 428:21 design [57] - 14:4, 14:6, 84:14, 175:17, 184:11, 184:18, 194:24, 195:5, 195:11, 195:18, 195:22, 195:24, 196:1, 196:6, 196:7, 197:7, 197:8, 197:20, 198:4,</p>	<p>198:24, 199:3, 199:11, 199:22, 201:9, 201:13, 202:3, 203:4, 203:9, 203:16, 204:12, 204:18, 206:8, 208:5, 208:18, 220:17, 222:24, 223:8, 245:14, 307:19, 307:23, 308:4, 312:1, 314:17, 315:7, 316:20, 349:6, 485:7, 485:12, 486:19, 498:21, 500:6, 675:18, 770:4, 770:7, 773:15, 890:6 design's [1] - 308:3 designated [6] - 232:12, 248:5, 320:11, 529:8, 596:3, 641:1 designates [1] - 297:19 designation [7] - 230:7, 248:7, 495:15, 495:19, 685:22, 746:4, 746:9 designation s [1] - 753:6 designed [27] - 29:4, 33:13, 86:11, 164:4, 164:7, 164:11, 182:23, 194:5, 194:8, 194:16, 202:9, 203:24, 240:8, 250:8, 273:5, 307:16, 308:1, 308:12, 452:10, 486:9, 498:2, 498:15, 500:8, 672:12, 745:19, 875:19 designer [1] - 222:21 designing [1] - 240:11 designs [3] -</p>	<p>195:8, 200:23, 773:25 desirable [4] - 508:15, 823:13, 837:2, 884:5 desire [8] - 85:24, 280:12, 442:5, 455:15, 489:23, 535:16, 816:14, 838:6 desperate [2] - 379:15, 452:8 desperately [1] - 551:3 despite [2] - 123:16, 258:6 destroy [14] - 32:6, 47:16, 74:20, 106:13, 111:20, 130:25, 153:20, 447:12, 447:20, 479:24, 480:9, 490:11, 731:6, 734:23 destroyed [5] - 74:15, 130:23, 136:12, 478:17, 759:1 destroying [5] - 251:16, 256:6, 493:14, 522:15, 529:4 Destroying [2] - 526:18, 726:21 destruction [13] - 23:10, 27:1, 46:8, 47:7, 48:13, 48:16, 68:12, 99:6, 297:21, 479:1, 724:22, 825:10, 847:20 destructive [5] - 23:5, 23:8, 47:11, 130:19, 523:10 detachment [1] - 596:22 detail [18] - 15:18, 165:25, 170:19, 186:7,</p>
---	--	--	---	---	--	--

<p>187:16, 187:25, 333:3, 388:10, 601:23, 640:17, 670:13, 670:20, 690:9, 691:7, 757:13, 764:10, 765:10, 765:14</p> <p>detailed [13] - 282:9, 433:6, 441:25, 460:22, 485:7, 725:9, 725:14, 726:8, 764:21, 765:7, 765:25, 766:23</p> <p>details [22] - 174:22, 194:23, 196:3, 196:5, 196:6, 197:8, 197:20, 198:4, 198:24, 199:4, 203:9, 208:6, 214:21, 433:11, 434:13, 486:3, 602:25, 693:14, 694:4, 764:12, 796:14, 891:21</p> <p>detect [4] - 758:22, 797:23, 798:13, 799:3</p> <p>detected [1] - 58:9</p> <p>detectors [1] - 302:25</p> <p>determinati on [1] - 401:23</p> <p>determine [17] - 56:25, 286:9, 293:7, 304:15, 327:17, 361:13, 397:3, 422:21, 424:10, 603:19, 608:21, 644:22, 714:21, 809:21, 812:14, 813:3, 813:12</p> <p>determined</p>	<p>[8] - 4:2, 299:20, 358:18, 369:20, 378:5, 388:14, 438:17, 887:25</p> <p>determines [1] - 369:17</p> <p>determining [5] - 42:10, 232:7, 362:5, 391:17, 681:19</p> <p>detriment [3] - 24:7, 24:10, 473:19</p> <p>detrimental [1] - 138:18</p> <p>devaluating [1] - 109:6</p> <p>Devaluing [1] - 457:6</p> <p>Devaney [2] - 125:15, 125:17</p> <p>DEVANEY [1] - 125:17</p> <p>devastating [5] - 18:15, 39:7, 623:24, 782:25, 784:13</p> <p>devastation [1] - 46:8</p> <p>develop [25] - 2:13, 13:17, 15:23, 20:20, 66:13, 107:16, 109:8, 135:7, 136:17, 136:20, 165:23, 231:16, 282:1, 439:20, 451:16, 456:14, 532:24, 536:22, 545:3, 692:1, 709:24, 712:23, 784:25, 788:11, 820:8</p> <p>developed [43] - 16:2, 164:15, 164:21, 173:13, 197:23, 217:25,</p>	<p>221:12, 221:19, 223:19, 231:15, 281:18, 324:21, 392:6, 400:7, 417:25, 432:15, 456:11, 461:21, 490:20, 502:3, 502:4, 503:10, 507:14, 524:23, 536:14, 553:7, 601:3, 615:6, 621:22, 624:17, 642:25, 681:13, 699:8, 745:18, 747:12, 753:21, 788:9, 788:19, 788:25, 794:15, 794:16, 849:3, 850:24</p> <p>developer [19] - 258:10, 420:23, 433:12, 434:9, 438:15, 456:17, 461:19, 488:23, 489:8, 489:18, 513:11, 555:9, 582:13, 590:7, 681:16, 738:13, 738:17, 814:4, 861:20</p> <p>developer's [2] - 519:25, 806:5</p> <p>developers [11] - 79:10, 254:16, 352:6, 431:10, 438:21, 457:9, 500:20, 526:22, 785:5, 788:14, 822:23</p> <p>developing [22] - 10:8, 13:25, 23:7, 23:8, 155:16, 165:5, 168:20, 190:18, 196:9,</p>	<p>202:21, 234:15, 457:10, 483:1, 528:25, 621:25, 623:11, 633:12, 745:22, 785:4, 785:6, 788:12, 889:20</p> <p>Developme nt [3] - 253:6, 388:23, 830:13</p> <p>developmen t [191] - 2:12, 2:14, 2:18, 2:24, 6:13, 6:15, 6:18, 7:3, 7:7, 7:9, 10:22, 10:24, 11:3, 13:6, 13:9, 13:18, 13:20, 13:22, 15:2, 40:21, 45:2, 46:5, 51:25, 53:22, 70:9, 70:11, 86:2, 87:20, 95:5, 98:2, 98:6, 98:12, 100:22, 103:11, 104:18, 123:25, 125:10, 130:14, 130:24, 130:25, 135:25, 139:1, 139:6, 139:9, 149:24, 150:3, 150:15, 155:16, 155:21, 158:6, 158:9, 158:10, 158:12, 158:16, 159:4, 159:11, 159:14, 159:17, 164:1, 164:24, 168:14, 170:3, 170:15, 172:3, 172:6, 174:2, 181:20, 183:25, 184:1, 193:11, 236:9, 258:15, 273:5, 293:16, 316:15, 329:5,</p>	<p>329:7, 354:14, 390:8, 400:2, 409:9, 420:25, 421:7, 427:20, 440:14, 442:17, 442:19, 442:23, 443:2, 443:9, 443:12, 443:14, 446:8, 446:13, 451:13, 457:8, 457:12, 458:25, 459:13, 461:2, 461:3, 461:11, 461:13, 462:5, 464:1, 465:20, 466:6, 474:15, 484:3, 484:21, 488:22, 488:24, 489:9, 489:10, 489:14, 489:17, 491:8, 491:14, 493:6, 494:9, 494:20, 495:15, 495:19, 498:21, 522:1, 522:3, 522:25, 529:7, 535:8, 545:10, 547:13, 547:18, 553:4, 553:22, 553:23, 575:9, 591:15, 594:18, 594:23, 601:21, 644:21, 675:18, 677:1, 684:10, 687:8, 688:18, 688:25, 696:4, 702:14, 702:18, 703:2, 705:18, 733:25, 736:2, 736:12, 736:18, 736:20, 737:4, 737:8, 737:12, 737:16, 737:17, 737:21, 738:11, 739:22, 739:24, 740:19,</p>	<p>744:10, 745:6, 745:21, 745:25, 746:3, 746:7, 749:23, 750:3, 750:8, 770:1, 774:12, 788:12, 789:12, 811:6, 813:4, 816:17, 818:18, 819:19, 823:6, 824:18, 884:19, 889:16</p> <p>developmen ts [9] - 53:7, 70:8, 228:20, 432:13, 616:14, 624:1, 737:18, 740:22, 795:3</p> <p>devote [1] - 777:14</p> <p>DeWan [47] - 209:10, 219:24, 220:2, 220:3, 229:12, 239:19, 240:1, 240:11, 240:19, 240:21, 245:3, 248:15, 248:17, 316:1, 316:5, 344:15, 344:18, 575:14, 576:2, 576:10, 576:14, 601:13, 604:25, 605:4, 626:22, 626:25, 635:15, 635:18, 636:9, 637:12, 637:18, 637:22, 643:7, 643:10, 643:16, 643:22, 645:14, 647:13, 653:8, 662:2, 662:22, 663:1, 663:10, 672:9, 673:2, 690:19</p> <p>DeWan's [4] - 604:13, 607:13, 653:21,</p>	<p>671:13</p> <p>diagram [3] - 221:2, 224:15, 766:15</p> <p>diagrams [3] - 224:3, 327:3, 773:22</p> <p>diameter [5] - 7:2, 159:10, 230:5, 443:8, 618:18</p> <p>diametrical y [1] - 618:14</p> <p>dibs [3] - 40:4, 537:4, 537:5</p> <p>dichotomy [1] - 407:8</p> <p>Dick [3] - 512:12, 518:1, 518:2</p> <p>Dickey [1] - 65:5</p> <p>dictates [1] - 865:20</p> <p>DIDISHEIM [25] - 344:15, 344:19, 349:8, 349:12, 353:4, 353:8, 356:21, 419:10, 419:14, 420:9, 420:13, 421:21, 426:14, 440:10, 582:19, 805:10, 805:14, 807:11, 807:12, 807:17, 807:18, 808:23, 809:3, 812:2, 842:9</p> <p>Didisheim [11] - 344:20, 408:21, 419:9, 426:16, 574:5, 574:8, 576:9, 582:20, 584:15, 585:10, 805:10</p> <p>die [4] - 78:22, 110:15, 114:16, 144:19</p> <p>diesel [7] - 338:22, 339:3,</p>
---	--	--	--	--	--	--

<p>455:12, 466:13, 528:3, 582:6 diesel-fired [1] - 338:22 diet [1] - 301:14 differ [4] - 92:15, 313:4, 313:9, 640:6 difference [31] - 62:22, 62:25, 135:13, 136:23, 137:3, 193:22, 193:25, 233:24, 278:21, 290:3, 298:19, 307:7, 328:2, 339:4, 454:22, 455:1, 559:8, 571:12, 573:5, 576:12, 643:21, 645:5, 668:6, 678:24, 679:4, 679:14, 690:2, 691:3, 698:6, 838:5, 856:22 differences [9] - 231:21, 425:16, 611:16, 678:15, 678:20, 761:3, 790:10, 808:19, 876:10 different [105] - 7:21, 18:23, 35:15, 44:1, 92:16, 109:10, 148:14, 179:11, 201:1, 210:20, 217:16, 229:7, 241:12, 245:25, 251:4, 262:25, 273:16, 286:8, 292:19, 304:23, 310:4, 310:12, 310:13, 318:2, 318:7, 319:10, 323:17, 327:2, 335:24, 353:21, 354:9, 363:23, 385:13,</p>	<p>406:19, 418:1, 425:19, 433:20, 460:10, 496:10, 501:16, 511:10, 522:13, 527:10, 540:19, 547:25, 568:24, 618:15, 622:12, 629:8, 629:9, 640:4, 645:23, 659:1, 662:7, 662:8, 662:10, 662:25, 667:14, 668:16, 669:6, 669:16, 672:25, 673:15, 682:5, 682:7, 683:18, 684:14, 690:8, 692:25, 693:5, 694:1, 696:16, 697:10, 698:5, 699:9, 704:8, 709:22, 712:5, 713:7, 717:16, 727:24, 747:10, 749:15, 749:19, 750:10, 772:12, 772:15, 789:24, 790:16, 791:6, 795:16, 835:4, 837:13, 842:17, 849:2, 849:12, 857:20, 860:23, 864:19, 864:20, 878:19, 886:10, 887:5 differential [1] - 838:16 differentiate [3] - 306:17, 306:18, 307:2 differently [5] - 318:25, 320:3, 320:8, 400:19, 494:5 differs [1] -</p>	<p>353:25 difficult [41] - 21:1, 68:12, 76:18, 77:10, 77:13, 77:17, 104:11, 106:1, 165:25, 166:7, 166:9, 167:2, 273:10, 284:11, 381:22, 395:5, 395:7, 396:4, 396:8, 424:19, 426:21, 447:16, 456:6, 470:18, 479:9, 552:6, 552:9, 553:16, 553:24, 562:3, 564:25, 628:25, 647:20, 649:6, 665:19, 696:12, 758:22, 828:21, 872:20 difficulties [4] - 470:2, 563:20, 565:18, 797:4 difficulty [6] - 553:3, 553:20, 565:20, 565:25, 667:9, 716:17 dig [1] - 97:9 digging [1] - 244:25 digital [3] - 600:25, 603:24, 638:7 digitally [2] - 608:7, 608:10 dignified [1] - 510:10 diligence [3] - 63:16, 278:15, 449:25 Diller [6] - 169:25, 477:3, 480:21, 480:24, 481:2, 482:20 dilutes [1] - 743:5 dime [1] - 765:19 dimensions</p>	<p>[2] - 659:14, 704:21 diminish [6] - 146:22, 597:6, 597:13, 608:14 diminished [1] - 591:11 diminishing [4] - 379:21, 598:12, 630:1, 660:5 diminishme nt [1] - 323:10 dimunition [1] - 586:15 dining [2] - 339:5, 723:3 dioxide [30] - 55:7, 58:5, 115:13, 115:14, 115:16, 116:1, 146:15, 188:7, 278:24, 402:12, 403:16, 404:19, 405:2, 412:14, 415:11, 416:1, 416:14, 514:18, 581:23, 582:1, 679:9, 825:13, 825:15, 825:19, 826:12, 871:18, 871:21, 871:23, 872:2 direct [43] - 2:23, 87:14, 97:14, 155:21, 162:25, 184:5, 186:11, 234:4, 282:9, 293:11, 300:13, 341:15, 345:10, 385:3, 385:4, 385:12, 385:24, 406:5, 407:3, 407:16, 408:4, 409:7, 409:20, 415:19, 439:24, 440:11, 529:16, 566:1, 592:19, 593:9, 595:1, 680:24,</p>	<p>733:11, 762:7, 799:8, 800:20, 815:16, 824:8, 824:13, 825:24, 882:25, 884:9 directed [2] - 360:19, 754:8 directing [2] - 163:25, 567:10 direction [15] - 20:4, 36:15, 44:14, 55:5, 83:16, 83:17, 117:9, 128:9, 233:16, 238:3, 303:11, 351:7, 358:10, 493:4, 681:19 directional [2] - 66:6, 66:18 directly [26] - 57:23, 67:2, 147:25, 302:23, 304:9, 337:7, 391:21, 419:23, 521:24, 530:15, 593:18, 605:1, 624:3, 685:2, 690:1, 728:2, 731:16, 732:20, 734:2, 793:15, 797:11, 798:7, 826:4, 830:8, 831:17, 875:19 director [25] - 1:13, 54:4, 84:8, 109:25, 138:9, 155:6, 174:17, 178:2, 263:5, 304:2, 344:20, 406:2, 426:16, 465:3, 544:1, 556:24, 556:25, 557:2, 567:6, 583:5, 727:16, 746:16, 838:20, 839:14, 867:10 Director [1] - 16:18 directors [9]</p>	<p>- 189:14, 189:20, 190:10, 190:14, 331:22, 487:2, 552:18, 557:3, 846:22 directors' [1] - 190:3 dirt [1] - 795:12 dirtier [3] - 258:21, 338:11, 338:12 dirty [4] - 60:1, 469:10, 483:20, 821:8 disabled [1] - 141:14 disagree [5] - 55:21, 576:18, 636:8, 774:23, 880:22 disagreeing [1] - 654:17 disagreeme nt [3] - 715:22, 788:3, 789:7 disappear [1] - 800:13 disappeara nce [1] - 800:25 disappeare d [1] - 576:7 disappointe d [2] - 455:18, 515:5 disappointi ng [1] - 488:25 disappoint ment [2] - 239:6, 504:9 disapproval [1] - 24:25 disaster [4] - 108:9, 469:2, 477:19, 500:14 disasters [1] - 469:7 disastrous [4] - 74:19, 656:1, 656:2, 825:4 discharge [3] - 292:2, 712:19, 773:23</p>	<p>discharged [1] - 773:24 discharges [1] - 294:10 disclose [2] - 367:2, 413:7 disclosure [3] - 62:15, 80:5, 506:7 disconnect [1] - 558:23 disconnecte d [1] - 236:16 discourteou s [1] - 284:15 discover [1] - 824:17 discovered [3] - 298:5, 321:4, 451:14 discrepancy [1] - 759:9 discrete [1] - 752:7 discretion [1] - 190:15 discretionar y [1] - 255:14 discretionar y-type [1] - 255:14 discuss [11] - 72:20, 94:21, 325:4, 386:9, 407:16, 407:20, 409:6, 422:24, 457:21, 472:2, 674:19 discussed [13] - 154:9, 154:13, 201:11, 209:8, 326:3, 367:13, 381:14, 408:21, 409:11, 409:16, 410:22, 842:17 discussing [2] - 549:17, 843:4 discussion [27] - 154:14, 181:14, 204:24, 215:17, 215:19, 227:25, 317:3,</p>
---	---	---	---	--	---	---

<p>320:16, 326:9, 369:5, 433:6, 434:14, 447:14, 462:3, 471:15, 474:23, 489:3, 511:22, 585:12, 602:12, 733:16, 739:1, 739:21, 777:5, 777:12, 832:16, 840:4</p> <p>discussions [4] - 40:3, 183:12, 187:19, 302:16</p> <p>Disease [1] - 152:10</p> <p>disease [12] - 41:15, 42:1, 42:2, 42:23, 43:24, 43:25, 44:6, 89:13, 803:2, 825:7, 827:25</p> <p>diseases [10] - 64:21, 66:21, 102:3, 114:17, 152:12, 414:23, 782:22, 784:1, 784:9, 784:12</p> <p>disfigure [1] - 50:10</p> <p>disfigured [1] - 51:7</p> <p>disguised [1] - 447:19</p> <p>disgusting [1] - 126:15</p> <p>dishonest [1] - 663:1</p> <p>disingenuo us [1] - 37:23</p> <p>dismantle [1] - 310:5</p> <p>dismantled [1] - 310:4</p> <p>dismissing [1] - 489:2</p> <p>disorder [2] - 598:18, 598:20</p> <p>disoriented [1] - 145:8</p> <p>disparities [1] - 239:4</p> <p>dispatch [3] -</p>	<p>357:14, 423:21, 881:8</p> <p>dispatched [4] - 402:14, 402:19, 403:1</p> <p>dispel [1] - 407:3</p> <p>dispense [2] - 151:11, 593:12</p> <p>dispersed [2] - 604:4, 648:21</p> <p>dispersion [1] - 198:25</p> <p>Displace [1] - 335:23</p> <p>displace [25] - 187:10, 188:6, 259:9, 336:18, 338:8, 338:16, 339:17, 339:18, 339:23, 340:1, 340:3, 403:11, 423:19, 423:20, 424:5, 424:8, 476:17, 490:4, 857:2, 857:22, 857:23, 858:12, 858:23, 859:12</p> <p>displaced [11] - 188:17, 258:19, 300:7, 336:13, 342:24, 412:10, 857:23, 857:24, 857:25, 866:22, 882:1</p> <p>displaceme nt [3] - 336:7, 507:20, 868:22</p> <p>displaces [3] - 423:24, 423:25, 424:2</p> <p>displacing [7] - 188:8, 343:11, 343:17, 857:8, 860:25, 868:16, 871:20</p> <p>display [5] -</p>	<p>638:1, 638:2, 733:6, 733:8, 733:10</p> <p>displayed [1] - 608:3</p> <p>displays [1] - 638:5</p> <p>disposal [2] - 53:18, 485:17</p> <p>disposed [3] - 30:19, 724:15, 766:13</p> <p>disproporti onate [2] - 167:8, 167:9</p> <p>dispute [7] - 288:1, 328:11, 408:7, 449:16, 449:19, 712:18, 802:13</p> <p>disputes [1] - 754:14</p> <p>disrupted [2] - 104:20, 720:16</p> <p>Disruption [1] - 721:14</p> <p>dissatisfied [1] - 764:10</p> <p>dissertation [1] - 673:22</p> <p>dissimilar [1] - 534:11</p> <p>distance [53] - 10:18, 30:13, 80:23, 83:7, 89:2, 123:20, 144:11, 220:16, 226:12, 226:18, 227:1, 227:3, 250:2, 251:24, 319:4, 319:25, 429:16, 499:12, 502:14, 516:13, 599:6, 601:15, 602:9, 602:10, 602:13, 605:17, 606:2, 606:23, 606:24, 607:9, 607:12, 607:20, 608:17, 608:22, 616:3,</p>	<p>616:10, 621:17, 632:25, 638:11, 640:6, 653:6, 656:7, 656:10, 657:17, 660:9, 660:15, 669:16, 669:19, 686:19, 687:17, 689:16, 690:1, 698:20</p> <p>distances [9] - 241:13, 656:8, 656:12, 672:7, 684:16, 693:18, 693:19, 761:18</p> <p>distant [7] - 19:15, 39:20, 223:23, 654:8, 656:14, 827:11, 828:19</p> <p>distinct [5] - 135:12, 685:3, 685:4, 686:22, 687:12</p> <p>distinction [5] - 320:3, 320:6, 664:25, 679:21, 704:1</p> <p>distinctions [1] - 150:17</p> <p>distinctive [1] - 459:25</p> <p>distinguish [4] - 359:7, 404:25, 615:20, 657:14</p> <p>distinguish ed [1] - 359:6</p> <p>distracted [1] - 495:23</p> <p>distress [1] - 148:23</p> <p>distressing [1] - 53:18</p> <p>distribute [1] - 705:1</p> <p>distributed [1] - 800:8</p> <p>distribution [8] - 192:10, 281:23, 391:17,</p>	<p>541:22, 648:4, 741:19, 800:6, 864:4</p> <p>distribution s [1] - 192:15</p> <p>district [15] - 17:3, 108:12, 108:15, 108:16, 174:5, 248:8, 461:14, 494:9, 495:7, 495:22, 579:5, 579:7, 579:9, 818:5</p> <p>District [2] - 38:16, 474:23</p> <p>Districts [3] - 3:2, 155:25, 745:24</p> <p>districts [1] - 108:15</p> <p>disturb [2] - 713:2, 713:3</p> <p>disturbance [10] - 195:23, 198:16, 199:14, 205:5, 205:15, 208:10, 208:15, 213:12, 736:16</p> <p>disturbance s [1] - 620:23</p> <p>disturbed [4] - 48:18, 212:24, 212:25, 217:1</p> <p>ditch [1] - 198:25</p> <p>ditches [2] - 208:2, 208:4</p> <p>diverse [3] - 100:5, 131:15, 454:13</p> <p>diversificati on [1] - 819:5</p> <p>diversity [5] - 66:1, 230:6, 460:3, 542:9, 818:13</p> <p>Diversity [1] - 826:21</p> <p>divide [5] - 210:3, 222:16, 309:4, 820:6, 857:20</p> <p>divided [1] - 870:18</p> <p>divine [1] -</p>	<p>463:2</p> <p>divinity [1] - 463:1</p> <p>division [3] - 304:2, 538:21, 763:16</p> <p>doctor [1] - 64:21</p> <p>doctorate [2] - 739:19, 782:18</p> <p>Doctors [1] - 407:21</p> <p>document [18] - 244:1, 244:4, 363:16, 388:13, 399:24, 399:25, 400:2, 400:21, 785:18, 785:20, 788:5, 788:8, 788:20, 788:21, 788:22, 788:24, 849:4, 875:18</p> <p>documentat ion [5] - 270:17, 720:18, 850:5, 850:18, 861:11</p> <p>documente d [19] - 87:11, 230:11, 234:25, 235:7, 237:9, 242:12, 298:1, 388:17, 684:8, 685:16, 694:25, 695:17, 695:23, 713:8, 733:18, 733:24, 742:5, 802:25, 833:25</p> <p>documentin g [2] - 306:13, 416:6</p> <p>documents [4] - 123:2, 685:13, 765:11, 765:15</p> <p>DOE [1] - 405:17</p> <p>dollar [7] - 72:7, 350:17, 413:21, 423:3,</p>	<p>423:6, 549:5, 871:11</p> <p>dollars [16] - 25:18, 25:21, 32:11, 109:10, 194:11, 194:14, 282:11, 333:5, 434:19, 437:7, 453:17, 485:9, 588:15, 588:16, 590:1, 711:15</p> <p>dollars' [1] - 711:17</p> <p>dollars-per-megawatt [1] - 437:7</p> <p>domain [1] - 536:18</p> <p>Dome [3] - 674:6, 674:9, 776:14</p> <p>dominance [3] - 287:9, 654:2, 768:18</p> <p>dominant [6] - 251:7, 654:3, 664:14, 689:8, 703:24, 704:5</p> <p>dominate [2] - 458:3, 603:13</p> <p>dominated [7] - 230:4, 397:14, 729:11, 729:13, 730:3, 730:24</p> <p>dominates [2] - 406:17, 502:18</p> <p>dominating [1] - 406:16</p> <p>Dominican [1] - 760:24</p> <p>Don [2] - 563:3, 566:5</p> <p>Donald [2] - 559:11, 566:8</p> <p>donate [1] - 186:20</p> <p>donating [1] - 186:23</p> <p>donation [4] - 446:21, 488:16, 488:17, 488:19</p> <p>done [148] -</p>
--	--	---	---	--	--	---

7:22, 10:16, 14:10, 23:17, 36:2, 42:17, 44:3, 47:19, 52:2, 54:21, 56:20, 78:19, 102:24, 105:1, 123:7, 130:4, 130:9, 141:25, 152:13, 169:4, 169:11, 179:8, 203:10, 213:6, 221:8, 224:1, 231:12, 232:16, 233:5, 234:7, 234:11, 235:18, 236:12, 241:3, 241:6, 241:8, 242:8, 243:2, 246:9, 270:8, 270:12, 283:16, 291:14, 294:3, 294:4, 295:10, 295:11, 297:5, 303:25, 306:24, 307:9, 316:11, 328:15, 343:8, 354:20, 360:21, 361:25, 362:15, 362:23, 363:12, 366:24, 367:23, 373:25, 374:2, 376:2, 378:15, 381:16, 381:22, 385:2, 385:25, 391:7, 391:9, 391:14, 393:5, 398:10, 402:16, 402:22, 405:12, 406:9, 415:1, 426:1, 426:2, 426:12, 436:12, 436:15, 437:14, 445:16, 445:17, 448:22, 453:19, 454:10, 455:22, 458:18, 465:6, 472:7, 478:5,	491:3, 518:18, 520:10, 552:8, 569:10, 569:11, 569:25, 575:23, 576:2, 582:22, 595:1, 605:11, 628:21, 633:19, 644:14, 649:21, 652:6, 654:6, 655:10, 660:17, 663:12, 663:20, 675:21, 676:11, 678:17, 683:11, 706:7, 707:2, 707:11, 733:2, 747:21, 774:21, 788:15, 788:16, 814:16, 830:15, 831:10, 833:22, 833:24, 834:1, 839:11, 841:15, 842:8, 842:9, 844:4, 846:17, 848:19, 855:4, 857:18, 869:21, 883:7 door [8] - 35:24, 50:1, 95:5, 95:8, 129:13, 536:20, 656:20 doors [1] - 656:21 Dorchester [1] - 445:6 Doris [3] - 531:6, 532:18, 533:22 DOT [2] - 644:20, 765:3 dot [2] - 447:15, 626:12 dots [1] - 673:3 dotted [2] - 198:13, 198:21	double [2] - 661:3, 724:9 doubled [1] - 109:3 doubt [8] - 40:21, 51:1, 79:18, 86:6, 496:20, 668:24, 695:8, 883:13 doubts [1] - 31:3 Douglas [1] - 65:8 Down [9] - 103:6, 368:12, 446:9, 607:22, 669:19, 670:1, 760:1, 772:10, 772:18 down [197] - 3:5, 3:15, 25:3, 28:23, 29:9, 33:24, 39:6, 39:17, 39:21, 40:17, 40:23, 50:24, 57:10, 57:14, 59:25, 68:11, 83:15, 90:21, 101:7, 109:17, 116:15, 116:17, 120:2, 123:13, 129:12, 129:13, 138:4, 142:8, 142:18, 143:5, 166:6, 173:1, 173:4, 181:12, 181:16, 184:14, 187:23, 197:12, 198:18, 198:22, 205:4, 206:4, 206:12, 206:16, 207:16, 210:6, 211:3, 211:6, 214:25, 215:11, 215:19, 217:4, 217:5, 218:10, 220:23, 225:19, 226:6, 226:20, 226:22, 227:2, 233:16, 242:21,	243:19, 243:21, 257:1, 261:11, 261:15, 261:17, 261:18, 264:6, 264:8, 264:15, 264:17, 264:24, 265:1, 265:4, 265:6, 268:19, 268:22, 269:11, 273:9, 277:24, 278:1, 278:4, 279:16, 280:16, 280:20, 302:20, 309:21, 312:23, 324:8, 324:9, 334:19, 336:18, 337:23, 339:13, 339:14, 340:10, 340:25, 343:19, 344:5, 344:23, 346:17, 351:3, 366:9, 370:10, 376:2, 380:6, 381:4, 381:20, 400:18, 411:15, 429:19, 431:5, 437:23, 438:9, 444:5, 445:5, 448:7, 451:20, 452:15, 464:13, 464:15, 464:17, 465:21, 473:5, 477:8, 479:25, 480:17, 503:14, 503:22, 512:13, 512:22, 512:24, 512:25, 518:7, 518:24, 533:16, 537:20, 537:23, 547:19, 549:25, 552:13, 556:25, 562:18,	563:18, 565:9, 565:21, 568:5, 568:16, 569:12, 570:2, 570:3, 570:5, 571:20, 584:10, 606:18, 607:15, 612:19, 614:16, 615:1, 655:24, 667:7, 667:10, 688:11, 690:25, 708:5, 708:25, 709:15, 711:9, 712:9, 712:23, 713:5, 713:15, 713:20, 717:7, 717:22, 717:23, 720:3, 733:9, 745:13, 756:19, 756:20, 770:11, 772:5, 773:24, 795:6, 838:6, 838:17, 838:24, 847:12, 873:21, 880:18, 887:1 down-sizing [2] - 181:12, 181:16 downhill [2] - 130:13, 712:7 download [1] - 521:1 downs [2] - 487:14, 503:8 downstrea m [8] - 130:16, 719:1, 719:13, 721:15, 774:12, 876:3, 876:12, 876:19 downward [1] - 436:3 downwind [1] - 153:15 dozen [5] - 266:23, 512:5, 516:2, 740:1, 809:5 Dr [15] - 292:4, 401:10, 411:22, 411:24,	418:22, 419:13, 423:8, 423:10, 423:12, 627:2, 707:22, 716:18, 771:7, 771:9, 771:11 DR [9] - 64:20, 65:4, 113:13, 113:17, 401:11, 401:17, 411:9, 412:22, 716:20 draft [14] - 7:24, 160:8, 398:21, 409:10, 506:12, 778:22, 779:11, 785:13, 785:17, 786:1, 786:11, 786:13, 787:2, 789:16 drafting [3] - 787:4, 787:21, 789:16 drag [2] - 124:5, 691:14 drain [1] - 32:25 drainage [8] - 71:12, 196:6, 203:6, 204:7, 204:14, 210:3, 210:5, 754:10 drains [3] - 199:4, 199:5 dramatic [8] - 18:1, 54:17, 76:24, 250:15, 541:15, 689:3, 703:12, 748:6 dramatically [6] - 403:17, 452:18, 460:1, 692:14, 822:2, 837:3 drastic [1] - 468:25 drastically [3] - 26:14, 29:17, 481:18 draw [10] - 24:1, 30:10, 150:17, 497:17,	498:25, 523:20, 718:16, 742:25, 886:5, 886:18 drawing [5] - 383:7, 522:10, 591:21, 886:7, 886:18 drawn [6] - 208:12, 406:5, 413:14, 428:22, 497:9, 664:15 draws [1] - 847:22 dreadful [1] - 77:25 dream [3] - 107:22, 513:18, 526:5 dreams [1] - 519:25 Dresden [1] - 81:23 dress [1] - 214:16 drew [1] - 422:25 drift [1] - 628:9 drilled [2] - 39:19, 140:3 drinking [1] - 103:3 drive [10] - 101:7, 120:6, 120:23, 261:17, 412:17, 437:23, 455:11, 499:8, 531:16, 564:19 driven [4] - 383:1, 436:25, 527:4, 589:9 driver [1] - 436:8 drives [3] - 472:16, 499:5, 824:4 driveway [1] - 45:25 Driving [1] - 515:24 driving [7] - 29:19, 68:16, 79:19, 82:19, 82:20, 143:25,
---	---	--	--	--	--	--

<p>445:5 drizzly [1] - 59:3 drop [2] - 144:4, 532:23 droplets [1] - 28:7 dropouts [1] - 140:25 dropped [7] - 49:18, 281:1, 294:1, 323:4, 605:4, 822:1 drops [2] - 228:4, 366:21 drought [1] - 57:18 droughts [2] - 55:11, 825:7 drove [6] - 30:6, 30:7, 344:4, 466:12, 553:5, 840:14 droves [1] - 558:13 drowning [1] - 68:21 Drummond [1] - 283:21 druthers [1] - 517:21 Dry [1] - 28:4 dry [5] - 289:24, 467:8, 568:11, 716:13, 730:1 dual [2] - 80:12, 106:24 dubious [3] - 32:7, 32:13, 95:19 Duckworth [2] - 512:17, 513:5 DUCKWORTH [1] - 513:3 Dudley [4] - 73:11, 75:12, 75:13, 75:17 Due [1] - 87:22 due [17] - 62:23, 63:16, 72:3, 78:22, 278:15, 303:19, 365:25, 366:19, 367:20, 368:1, 387:7, 449:17,</p>	<p>449:25, 732:10, 801:17, 819:24, 838:7 duff [3] - 214:14, 215:6, 713:19 dug [1] - 97:4 Duluth [8] - 46:17, 48:24, 49:2, 54:1, 62:23, 138:5, 528:24 duly [2] - 52:6, 157:4 dumb [3] - 140:4, 862:11, 862:12 dump [1] - 766:7 dump [1] - 724:21 Dunes [1] - 501:6 duplicative [1] - 418:5 duration [2] - 610:3, 684:15 During [10] - 50:24, 68:9, 71:16, 150:12, 203:1, 286:20, 293:8, 350:8, 518:16, 546:8 during [35] - 7:4, 19:11, 145:7, 145:17, 151:3, 159:12, 206:18, 227:8, 278:1, 289:6, 289:21, 293:24, 310:22, 335:11, 369:21, 378:6, 379:14, 395:16, 395:23, 443:10, 462:7, 480:18, 485:20, 492:6, 492:8, 644:14, 651:25, 704:25, 715:4, 720:9, 720:12, 729:15, 738:9, 853:11, 862:18 dust [1] - 126:12</p>	<p>duties [1] - 464:5 Dutton [4] - 25:4, 32:16, 32:23, 37:5 DUTTON [14] - 32:19, 32:22, 33:9, 34:1, 34:5, 34:12, 34:15, 34:19, 34:22, 34:25, 35:3, 36:3, 36:5, 36:13 duty [6] - 121:18, 453:15, 459:5, 517:18, 764:1, 764:6 dwarf [1] - 61:6 Dwight [5] - 194:25, 201:11, 210:25, 307:11, 307:14 dying [3] - 114:15, 115:1, 416:2 dynamic [2] - 409:17, 604:15 dynamite [8] - 725:3, 766:24, 767:3, 767:15, 767:20, 767:22, 767:23, 768:3</p>	<p>266:21, 290:1, 291:21, 346:14, 350:25, 384:12, 389:4, 389:14, 453:8, 473:9, 483:12, 507:14, 540:16, 591:18, 592:7, 769:9, 784:22, 799:4, 822:4 EARLY [1] - 84:4 Early [3] - 81:20, 84:5, 530:10 earmarked [1] - 85:6 earned [1] - 63:8 earning [1] - 108:25 earth [15] - 74:23, 94:19, 113:20, 113:21, 114:19, 133:9, 136:11, 196:23, 239:1, 257:11, 290:17, 502:6, 508:10, 801:15 Earth [2] - 567:16, 797:6 earth's [1] - 81:14 easement [10] - 185:21, 186:2, 504:21, 631:20, 631:22, 752:18, 752:25, 779:23, 780:5, 890:2 easements [2] - 752:22, 753:8 easier [1] - 827:12 easily [7] - 36:16, 77:18, 369:3, 537:12, 719:25, 734:6, 872:20 east [13] - 29:21, 31:23, 481:23, 497:5,</p>	<p>545:5, 607:23, 631:7, 682:5, 734:25, 783:1, 849:19, 850:1, 851:11 East [15] - 36:21, 59:12, 64:8, 103:6, 114:24, 132:23, 351:24, 409:1, 421:15, 468:18, 669:19, 670:1, 760:2, 772:10, 772:18 eastern [15] - 85:22, 389:18, 406:16, 427:2, 446:12, 506:21, 540:21, 540:22, 629:25, 682:21, 718:8, 734:1, 747:24, 820:3, 850:4 Eastler [1] - 143:13 Eastport [1] - 503:11 easy [10] - 63:19, 111:1, 212:3, 267:5, 455:24, 470:20, 509:4, 552:24, 656:8, 775:10 eat [6] - 45:22, 479:23, 532:11, 553:10, 564:10, 826:8 eco [1] - 25:24 ecological [14] - 31:4, 95:25, 119:19, 230:6, 321:15, 455:20, 501:1, 524:18, 561:4, 718:7, 742:24, 761:3, 797:23, 798:14 ecologically [2] - 26:14, 746:1 ecologist [4] - 540:12, 540:15,</p>	<p>731:15, 782:17 ecology [4] - 69:1, 716:24, 739:19, 782:19 economic [60] - 15:6, 17:12, 25:11, 31:4, 87:20, 87:21, 87:22, 88:1, 95:6, 95:18, 95:21, 107:17, 107:21, 108:5, 109:5, 164:14, 168:24, 170:17, 252:24, 253:12, 271:9, 373:14, 374:17, 375:3, 375:10, 409:6, 409:24, 413:2, 423:1, 445:19, 458:8, 469:2, 481:14, 484:1, 491:1, 497:15, 501:1, 508:22, 527:8, 548:21, 549:4, 549:5, 549:18, 549:19, 566:24, 628:19, 628:21, 784:13, 816:22, 818:7, 823:14, 823:19, 828:6, 830:23, 831:1, 845:11, 854:6, 855:18, 873:25, 874:16 economical [1] - 56:11 economically [3] - 181:13, 433:7, 526:16 economics [12] - 25:15, 56:18, 167:18, 167:22, 183:5, 374:5, 413:9, 434:8, 481:13, 507:6, 628:8, 864:19 economist [1] - 784:15</p>	<p>economize [1] - 584:9 economy [28] - 18:15, 24:8, 32:14, 45:23, 51:20, 55:16, 78:11, 79:6, 94:10, 107:7, 107:10, 107:16, 107:20, 168:9, 375:15, 375:23, 412:16, 413:25, 485:10, 504:17, 505:1, 526:17, 531:4, 544:8, 544:9, 824:5, 847:22, 848:1 Economy [1] - 374:2 ecosystem [7] - 214:8, 448:2, 518:25, 540:21, 801:8, 801:16, 804:1 ecosystems [10] - 100:3, 459:18, 459:20, 518:19, 540:17, 542:9, 542:19, 798:3, 799:25, 800:5 Ecotourism [1] - 551:4 ecotourism [1] - 551:8 ecotourists [1] - 522:20 Ed [13] - 1:14, 38:5, 41:9, 41:11, 269:13, 269:14, 357:4, 583:8, 816:11, 817:23, 824:14, 829:13, 883:17 EDELHOFF [1] - 105:5 Edelhoff [1] - 105:5 edge [11] - 287:6, 388:18, 388:19, 390:15, 423:2, 605:25,</p>
E			<p>e-mail [7] - 300:1, 394:21, 409:10, 721:17, 786:3, 787:12, 787:14 E-mail [1] - 32:24 EA-061 [3] - 288:9, 288:20, 289:3 EA-093 [1] - 289:11 eagles [1] - 232:22 early [22] - 110:12, 161:7,</p>			

<p>640:11, 657:10, 691:8, 731:2 edges [8] - 233:2, 233:20, 236:14, 295:15, 297:6, 297:7, 388:14, 388:15 Edison [72] - 10:7, 10:8, 10:19, 10:21, 10:25, 11:3, 11:11, 12:15, 48:7, 151:16, 153:7, 153:9, 153:11, 153:20, 158:1, 163:25, 164:20, 164:21, 164:23, 164:25, 165:1, 165:8, 165:14, 174:17, 174:23, 175:19, 176:8, 178:2, 178:6, 178:16, 178:21, 179:1, 179:8, 179:10, 179:15, 262:13, 279:23, 281:10, 281:20, 330:1, 330:18, 330:20, 330:22, 330:23, 331:8, 331:15, 331:22, 331:25, 332:7, 354:16, 376:20, 376:21, 377:13, 378:21, 378:24, 379:4, 382:8, 382:13, 382:14, 383:9, 438:8, 439:2, 439:8, 451:13, 489:21, 489:25, 490:3, 571:2, 674:21, 674:23 Edison's [6] - 166:6, 174:18, 183:4, 280:18, 353:9, 354:15</p>	<p>Edition [1] - 778:22 editorial [3] - 55:24, 74:3, 804:11 editorials [3] - 129:19, 170:6, 170:7 educate [1] - 465:8 educated [4] - 108:16, 397:8, 729:6, 729:8 educating [1] - 491:16 education [2] - 15:17, 625:1 educational [3] - 169:10, 186:20, 255:19 Edward [1] - 53:10 effect [60] - 16:6, 54:9, 55:18, 58:12, 74:6, 105:11, 120:21, 137:20, 153:10, 170:4, 187:11, 227:23, 227:24, 228:9, 237:5, 237:8, 247:25, 254:10, 254:11, 269:9, 270:8, 270:18, 271:6, 296:5, 297:9, 297:10, 309:14, 347:10, 359:1, 415:19, 424:11, 449:19, 511:4, 511:7, 524:16, 549:5, 553:19, 597:7, 609:18, 666:11, 666:19, 666:25, 669:14, 670:13, 670:14, 673:14, 682:15, 698:1, 774:11, 784:2, 824:6, 824:10, 830:11,</p>	<p>830:15, 832:23, 833:8, 833:16, 881:12, 882:15 effected [2] - 590:11, 833:10 effective [10] - 85:12, 134:8, 136:16, 136:17, 136:19, 217:4, 217:7, 218:11, 338:7, 775:24 effectively [2] - 335:11, 742:20 effects [37] - 18:5, 18:8, 51:14, 55:6, 94:21, 94:22, 100:22, 101:25, 102:2, 102:7, 103:9, 103:10, 174:9, 296:24, 326:1, 415:25, 465:10, 483:25, 523:1, 540:16, 540:20, 542:8, 581:10, 590:6, 663:20, 676:3, 683:25, 686:16, 722:3, 722:5, 801:14, 809:13, 828:12, 832:11, 843:22, 875:11 Efficiency [1] - 77:7 efficiency [10] - 42:20, 76:24, 87:18, 181:23, 402:7, 408:16, 408:17, 455:15, 835:14, 879:17 efficient [14] - 64:1, 134:9, 136:16, 136:20, 148:2, 338:13, 343:3, 449:2, 466:14, 481:24, 500:7,</p>	<p>505:8, 528:18, 555:7 efficiently [2] - 182:15, 816:3 effort [27] - 52:14, 62:18, 97:8, 135:7, 173:5, 224:5, 298:7, 333:23, 392:1, 470:17, 487:23, 495:3, 495:5, 549:17, 597:6, 613:14, 621:13, 647:16, 797:9, 797:23, 798:12, 835:10, 883:13, 892:22, 893:3, 893:6, 893:17 efforts [17] - 109:10, 300:12, 454:3, 489:16, 492:3, 494:25, 536:5, 574:23, 600:19, 613:15, 654:20, 722:15, 741:14, 820:17, 821:20, 835:7, 836:2 Egan [1] - 413:12 egg [1] - 289:16 egregious [1] - 616:14 Egro [1] - 711:13 Eiffel [7] - 92:22, 93:2, 93:7, 93:12, 93:14, 454:24, 790:12 Eiffel's [2] - 92:24, 93:8 eight [15] - 16:23, 71:5, 137:22, 179:2, 224:19, 352:15, 377:12, 378:9, 378:14, 390:4, 398:7, 513:8, 566:21,</p>	<p>614:18, 869:8 Eighty [1] - 187:22 Eighty-five [1] - 187:22 either [49] - 23:3, 31:6, 32:6, 34:3, 88:10, 116:5, 199:10, 213:22, 227:23, 243:2, 243:21, 245:12, 263:12, 277:20, 286:19, 290:11, 316:16, 322:22, 332:11, 339:3, 340:23, 355:12, 361:15, 365:2, 365:5, 395:19, 399:14, 399:15, 473:8, 505:7, 506:15, 512:25, 550:6, 570:15, 634:5, 634:7, 696:10, 702:8, 716:18, 725:14, 746:8, 753:1, 766:12, 778:25, 785:21, 806:2, 832:5, 834:3, 870:3 Either [2] - 284:7, 512:24 either/or [1] - 636:17 elaborate [2] - 394:25, 623:21 elbow [1] - 892:12 elders [2] - 122:20, 533:10 elected [3] - 341:16, 433:13, 867:3 electric [19] - 15:25, 22:23, 35:21, 35:22, 59:15, 79:19, 112:18, 174:24, 358:7, 358:24, 359:2,</p>	<p>431:7, 466:18, 474:10, 481:16, 537:11, 538:19, 818:2, 883:23 Electric [2] - 401:15, 538:18 electrical [21] - 25:10, 25:22, 89:6, 179:11, 357:10, 358:2, 358:6, 372:12, 376:16, 528:13, 528:21, 564:5, 572:3, 572:5, 572:11, 587:1, 587:3, 804:20, 804:21, 820:1, 836:16 electrically [2] - 85:22, 820:4 electricity [120] - 11:19, 16:1, 19:3, 22:22, 23:1, 24:17, 39:14, 49:8, 49:10, 49:12, 50:13, 50:25, 59:18, 60:1, 67:24, 79:18, 79:19, 88:7, 88:8, 88:15, 89:17, 110:19, 111:13, 111:15, 111:16, 111:21, 112:7, 112:22, 127:23, 142:7, 142:10, 148:21, 182:13, 187:20, 225:23, 249:14, 249:18, 252:7, 258:1, 259:4, 260:3, 260:22, 263:23, 263:25, 264:2, 264:5, 265:11, 265:17, 267:20, 272:14, 276:1, 279:10, 279:11,</p>	<p>279:17, 338:24, 339:8, 342:17, 342:19, 344:11, 358:17, 451:1, 456:3, 467:6, 471:8, 486:15, 507:11, 507:13, 531:13, 533:6, 533:11, 551:14, 551:16, 563:15, 563:16, 568:12, 572:16, 572:17, 737:5, 779:13, 805:2, 816:20, 817:1, 817:4, 817:7, 817:11, 817:15, 817:20, 818:17, 818:21, 819:3, 819:22, 819:25, 820:16, 820:18, 821:3, 821:5, 821:16, 821:25, 822:1, 822:10, 822:11, 822:15, 822:18, 822:25, 823:17, 823:21, 823:24, 826:20, 827:14, 835:14, 839:9, 840:16, 840:23, 845:25, 863:24, 874:6, 884:2 Electricity [1] - 25:16 electronic [2] - 272:25, 503:20 electrons [4] - 35:20, 276:1, 572:17, 834:20 elegant [2] - 471:12, 555:22</p>
--	---	--	---	--	---	---

<p>element [6] - 418:19, 522:23, 632:25, 679:12, 703:24, 712:15</p> <p>elements [14] - 53:3, 164:17, 166:2, 223:14, 325:9, 652:10, 652:23, 652:24, 678:4, 678:7, 709:6, 712:5, 712:8, 727:20</p> <p>Elephant [1] - 503:6</p> <p>elevated [3] - 354:3, 498:20, 675:17</p> <p>Elevation [1] - 812:15</p> <p>elevation [38] - 123:9, 137:15, 171:14, 225:5, 229:19, 231:1, 236:22, 239:22, 312:24, 428:18, 429:14, 460:1, 476:4, 484:20, 492:11, 498:5, 519:9, 519:12, 524:6, 534:7, 542:23, 554:13, 685:7, 691:3, 715:4, 715:5, 715:8, 720:6, 722:9, 725:1, 729:18, 743:15, 748:9, 793:13, 803:11, 826:18, 851:6</p> <p>elevation-based [1] - 498:5</p> <p>elevations [25] - 98:6, 204:5, 206:20, 206:24, 209:25, 210:2, 216:12, 307:16, 351:5, 351:10, 389:24, 456:6, 619:21,</p>	<p>621:23, 622:7, 634:1, 724:24, 725:21, 726:2, 741:20, 742:17, 743:6, 743:7, 766:9, 798:25</p> <p>eleven [1] - 351:19</p> <p>elicit [1] - 830:12</p> <p>elicited [1] - 93:13</p> <p>eligible [3] - 122:15, 386:17, 821:19</p> <p>eliminate [2] - 18:7, 399:10</p> <p>eliminated [3] - 348:13, 348:22, 585:20</p> <p>eliminates [1] - 232:11</p> <p>eliminating [1] - 341:17</p> <p>elimination [2] - 356:11, 803:11</p> <p>Eliot [3] - 80:2, 81:19, 81:23</p> <p>Elisworth [1] - 503:12</p> <p>Elmer [1] - 459:9</p> <p>elongated [2] - 218:3, 218:9</p> <p>eloquent [4] - 70:4, 539:4, 540:8, 877:1</p> <p>eloquently [1] - 554:10</p> <p>elsewhere [15] - 23:9, 95:10, 106:9, 143:10, 148:17, 170:24, 188:7, 188:21, 275:15, 347:12, 499:22, 828:10, 856:1, 869:16, 882:15</p> <p>elucidate [1] - 239:11</p> <p>emasculate</p>	<p>d [1] - 105:15</p> <p>embankmen</p> <p>t [1] - 208:7</p> <p>embark [1] - 493:14</p> <p>embarking [1] - 225:20</p> <p>Embden [1] - 67:18</p> <p>embrace [1] - 482:8</p> <p>EME [2] - 276:20, 276:24</p> <p>emerged [3] - 172:4, 173:25, 492:2</p> <p>emergency [1] - 29:25</p> <p>emerging [2] - 223:8, 687:22</p> <p>eminent [1] - 536:18</p> <p>emission [43] - 87:12, 259:12, 259:13, 277:25, 278:22, 278:23, 336:7, 338:13, 343:17, 372:21, 379:24, 380:1, 381:12, 381:13, 402:3, 403:14, 404:2, 404:7, 404:12, 405:14, 405:21, 405:23, 410:5, 419:18, 420:1, 423:12, 423:15, 425:12, 425:17, 425:24, 581:23, 854:20, 855:1, 855:4, 857:4, 868:5, 868:7, 868:9, 868:12, 868:13, 868:21, 871:15, 882:20</p> <p>Emissions [1] - 401:15</p> <p>emissions</p>	<p>[90] - 12:10, 26:8, 55:9, 58:5, 87:11, 135:13, 146:15, 152:20, 152:23, 153:1, 153:3, 168:17, 168:21, 236:24, 258:21, 265:3, 277:8, 277:10, 277:17, 278:5, 278:8, 336:22, 337:2, 337:25, 338:13, 343:12, 343:13, 343:18, 379:18, 379:20, 379:22, 380:4, 401:14, 401:23, 402:9, 402:10, 402:11, 404:18, 404:22, 405:14, 407:25, 410:13, 411:2, 411:4, 411:8, 411:15, 416:1, 419:23, 419:25, 425:11, 471:6, 475:19, 541:5, 564:12, 564:24, 577:13, 580:24, 581:6, 582:4, 793:21, 804:18, 840:20, 854:19, 854:21, 856:8, 856:14, 856:16, 856:20, 856:22, 857:16, 857:19, 858:12, 858:21, 858:23, 859:8, 859:10, 859:12, 859:15, 860:25, 867:5, 872:5, 872:10, 881:13,</p>	<p>881:23, 882:19, 883:6, 888:8, 888:9</p> <p>emit [5] - 50:4, 564:18, 582:1, 859:6, 871:16</p> <p>emitted [8] - 164:12, 258:21, 278:5, 564:15, 564:16, 826:13, 826:19, 856:18</p> <p>emitting [1] - 564:21</p> <p>Emmerton/Kenetech [1] - 809:10</p> <p>emotionally [1] - 134:5</p> <p>emotions [1] - 93:13</p> <p>emphasis [2] - 557:11, 628:7</p> <p>emphasize [7] - 82:5, 155:20, 188:2, 385:5, 418:20, 673:16, 732:16</p> <p>emphasized [2] - 418:13, 602:14</p> <p>employ [2] - 376:22, 843:10</p> <p>employed [5] - 72:3, 538:18, 557:9, 575:15, 739:19</p> <p>employees [6] - 179:5, 179:6, 179:8, 186:18, 186:22, 386:14</p> <p>employers [2] - 99:16, 835:16</p> <p>employing [1] - 425:11</p> <p>employment [2] - 848:6</p> <p>empty [1] - 142:21</p> <p>EN [5] - 5:7, 73:6, 157:17,</p>	<p>441:22, 594:12</p> <p>enable [3] - 152:14, 296:19, 732:16</p> <p>enabled [1] - 351:1</p> <p>enabling [2] - 628:25, 629:5</p> <p>enacted [3] - 818:19, 882:15, 882:22</p> <p>encapsulate [1] - 215:17</p> <p>encompasses [2] - 153:3, 742:4</p> <p>encounter [1] - 486:8</p> <p>encountere [2] - 196:4, 197:1</p> <p>encourage [18] - 154:15, 168:14, 168:15, 168:17, 181:20, 182:17, 186:18, 273:5, 438:22, 482:17, 521:5, 554:23, 554:24, 745:19, 818:18, 835:8, 855:12, 855:16</p> <p>encouraged [3] - 169:24, 170:5, 744:6</p> <p>encourages [1] - 181:23</p> <p>encouragin [2] - 106:12, 216:19</p> <p>encroach [2] - 95:15, 105:18</p> <p>end [42] - 65:14, 102:11, 146:25, 158:12, 174:14, 218:23, 230:22, 231:6, 239:7, 240:1, 246:1, 248:11,</p>	<p>260:11, 287:1, 290:25, 294:1, 334:2, 382:24, 459:22, 461:10, 476:5, 478:17, 483:20, 520:4, 536:19, 594:3, 643:11, 690:10, 747:15, 764:4, 769:10, 777:19, 804:13, 811:4, 847:10, 858:7, 858:10, 858:25, 859:11, 871:3, 878:2</p> <p>endanger [1] - 68:25</p> <p>Endangered [2] - 728:3, 731:7</p> <p>endangered [6] - 122:1, 122:2, 456:9, 493:20, 542:19, 730:9</p> <p>endeavor [2] - 253:10, 486:17</p> <p>ended [4] - 68:14, 431:16, 437:10, 549:13</p> <p>endemic [4] - 732:3, 760:17, 760:21, 760:23</p> <p>Endless [33] - 10:20, 10:23, 11:15, 12:15, 13:4, 40:3, 57:10, 62:20, 63:15, 70:1, 95:7, 140:18, 158:1, 164:19, 164:24, 165:14, 170:21, 205:10, 281:11, 308:18, 330:5, 349:13, 361:6, 446:18, 446:23, 513:19, 519:17, 520:17, 537:3,</p>
--	---	--	--	--	---	---

<p>548:3, 550:9, 574:24, 605:2</p> <p>endless [2] - 53:21, 53:22</p> <p>endlessly [1] - 107:25</p> <p>endorse [2] - 806:2, 809:7</p> <p>endorsed [6] - 804:9, 805:18, 805:21, 806:13, 806:22, 808:15</p> <p>endorsement [2] - 806:8, 808:13</p> <p>Endrizi [2] - 64:18, 65:8</p> <p>ENDRIZI [1] - 65:8</p> <p>ends [2] - 124:19, 672:7</p> <p>enemy [1] - 78:13</p> <p>energetically [1] - 243:13</p> <p>energies [1] - 465:11</p> <p>Energy [97] - 10:8, 10:20, 10:23, 10:25, 11:15, 12:15, 12:22, 13:4, 36:5, 40:3, 57:10, 62:20, 63:15, 70:1, 74:5, 80:6, 84:12, 84:24, 92:6, 95:7, 98:18, 140:18, 151:16, 153:7, 158:1, 164:20, 164:24, 164:25, 165:8, 165:14, 165:19, 170:21, 180:21, 180:22, 271:19, 279:23, 281:11, 308:18, 330:1, 330:5, 330:19, 330:21, 330:22, 330:23, 331:16,</p>	<p>331:23, 331:25, 332:8, 349:13, 354:16, 355:11, 357:7, 361:7, 405:18, 406:2, 437:2, 438:8, 446:18, 446:23, 489:21, 513:19, 519:17, 520:17, 537:3, 548:3, 550:9, 583:6, 583:8, 588:18, 605:2, 681:14, 816:9, 816:10, 817:9, 817:16, 819:19, 819:23, 820:21, 822:13, 822:15, 823:4, 823:11, 827:24, 828:9, 835:14, 848:18, 848:20, 868:20, 873:21, 874:11, 876:18</p> <p>energy [387] - 10:22, 11:11, 12:4, 12:5, 12:21, 12:23, 13:5, 13:8, 15:23, 15:24, 16:24, 17:7, 17:20, 19:11, 19:16, 20:14, 20:15, 22:15, 42:15, 42:20, 42:22, 43:4, 43:11, 45:1, 47:8, 47:25, 48:10, 49:17, 53:16, 53:17, 53:18, 55:1, 55:3, 55:21, 56:15, 58:17, 59:10, 59:22, 61:1, 61:13, 62:18, 62:19, 63:17, 69:14, 70:23, 70:24, 76:24, 78:3, 79:3, 79:6, 79:12, 79:15, 79:20, 79:21,</p>	<p>80:24, 84:14, 84:18, 84:20, 84:25, 85:12, 85:25, 87:18, 87:19, 88:15, 88:23, 89:10, 89:12, 89:14, 91:10, 92:7, 95:14, 97:4, 97:8, 99:5, 100:20, 100:24, 101:5, 101:6, 101:19, 101:20, 104:2, 109:9, 111:24, 115:2, 115:11, 117:20, 123:3, 126:11, 126:17, 129:16, 134:9, 135:4, 136:5, 140:16, 140:17, 152:18, 163:25, 164:4, 164:18, 164:21, 164:23, 165:2, 165:18, 165:21, 165:23, 166:7, 166:14, 167:5, 167:19, 168:6, 168:15, 168:20, 169:9, 170:16, 170:22, 174:2, 177:7, 181:18, 181:20, 182:9, 182:10, 182:11, 182:18, 182:24, 183:1, 184:17, 189:22, 189:24, 192:19, 236:25, 243:19, 249:16, 252:24, 255:15, 256:8, 256:9, 256:12, 256:18, 256:25, 259:7, 262:23, 263:18, 263:20, 264:24, 265:9, 268:5, 272:6, 272:7, 272:9,</p>	<p>272:14, 272:15, 272:24, 273:4, 273:12, 273:20, 274:1, 274:2, 274:4, 274:5, 274:8, 274:10, 274:14, 274:15, 274:21, 274:23, 275:11, 276:25, 277:6, 278:25, 279:5, 280:1, 280:2, 280:4, 280:8, 280:12, 280:13, 281:16, 281:17, 281:18, 282:2, 338:15, 383:14, 402:7, 405:24, 408:1, 409:12, 421:7, 427:22, 431:6, 431:7, 431:8, 432:12, 434:18, 434:21, 435:1, 435:15, 435:16, 444:22, 447:17, 452:7, 452:10, 452:11, 455:14, 457:8, 457:9, 457:10, 466:1, 468:11, 469:14, 469:16, 470:1, 470:11, 470:14, 471:6, 472:5, 472:19, 472:25, 475:2, 476:1, 481:9, 481:10, 481:21, 481:25, 482:8, 482:11, 482:15, 482:18, 483:25, 484:2, 484:4, 490:22, 493:11, 494:22, 495:23, 498:23, 500:7, 500:8, 500:13, 506:6, 507:16,</p>	<p>507:19, 507:21, 507:23, 508:3, 508:20, 509:1, 510:15, 513:11, 514:12, 518:13, 519:21, 519:22, 520:8, 520:14, 522:24, 528:18, 529:3, 537:4, 537:6, 537:7, 539:8, 539:12, 539:13, 539:15, 539:16, 539:17, 539:21, 539:25, 542:17, 543:10, 543:18, 545:3, 551:14, 554:25, 555:7, 556:18, 561:1, 561:3, 561:5, 564:5, 569:5, 572:16, 577:14, 587:10, 587:17, 587:24, 588:1, 590:8, 598:24, 599:3, 679:11, 681:10, 681:15, 681:19, 681:23, 682:1, 682:21, 694:19, 706:24, 717:5, 739:23, 740:21, 740:22, 749:25, 750:13, 750:15, 750:19, 750:22, 751:1, 796:5, 808:10, 808:11, 812:24, 813:23, 816:22, 816:24, 817:10, 817:22, 817:25, 818:1,</p>	<p>818:7, 818:11, 818:13, 818:15, 818:20, 819:5, 819:10, 819:20, 820:25, 821:7, 821:9, 821:20, 822:3, 823:15, 824:4, 824:22, 827:4, 827:16, 827:17, 828:5, 828:17, 829:1, 829:2, 830:25, 831:3, 834:20, 835:3, 837:24, 839:8, 840:5, 840:6, 843:5, 846:13, 846:23, 848:18, 852:17, 855:14, 855:21, 856:3, 858:1, 860:15, 864:7, 864:18, 864:23, 865:3, 866:2, 866:12, 867:9, 871:1, 873:24, 874:15, 878:4, 878:6, 878:7, 878:17, 879:2, 879:17, 890:18</p> <p>Energy's [3] - 10:21, 163:25, 331:9</p> <p>enforce [1] - 859:10</p> <p>enforcement [1] - 645:13</p> <p>enforces [1] - 458:24</p> <p>enforcing [2] - 464:8, 464:23</p> <p>engage [1] - 612:10</p> <p>engaged [7] - 8:13, 14:16, 75:23, 161:2, 334:5, 431:15, 816:24</p> <p>engagement [1] - 316:16</p> <p>engages [1] - 798:6</p> <p>engaging [1] - 77:4</p>	<p>engine [1] - 339:3</p> <p>engineer [19] - 84:11, 84:14, 86:11, 113:18, 113:19, 115:21, 176:4, 195:2, 201:6, 300:22, 484:15, 562:1, 572:5, 572:11, 723:13, 723:15, 723:18, 773:22</p> <p>engineered [5] - 29:3, 201:15, 222:23, 477:18, 486:6</p> <p>engineering [16] - 175:9, 175:17, 175:18, 176:3, 194:23, 195:3, 195:5, 195:11, 199:20, 199:22, 200:24, 201:17, 291:8, 485:13, 503:13, 562:2</p> <p>engineers [8] - 33:22, 195:9, 202:21, 203:11, 245:16, 755:18, 763:17</p> <p>Engineers [4] - 84:12, 287:5, 708:22, 754:19</p> <p>England [120] - 12:23, 13:7, 84:21, 84:22, 84:23, 85:7, 101:21, 104:11, 131:17, 148:19, 149:6, 152:24, 165:21, 171:2, 171:20, 237:21, 257:23, 259:15, 264:20, 272:21, 274:20,</p>
--	--	---	--	---	---	--

<p>316:14, 316:15, 316:17, 336:24, 339:1, 342:13, 343:5, 343:11, 343:12, 343:13, 343:16, 352:9, 352:18, 352:25, 353:3, 357:10, 357:19, 357:25, 358:1, 358:3, 358:6, 358:7, 358:11, 358:22, 380:20, 381:2, 381:7, 402:6, 402:17, 402:18, 403:1, 403:22, 404:12, 406:7, 406:13, 406:17, 406:23, 408:6, 408:22, 420:14, 420:24, 421:1, 421:2, 423:15, 424:23, 425:10, 425:11, 425:13, 425:17, 425:20, 426:25, 427:2, 427:23, 430:3, 432:10, 432:11, 433:3, 436:8, 446:5, 504:20, 506:21, 508:18, 509:1, 538:6, 541:10, 544:21, 563:11, 572:22, 573:3, 573:15, 587:16, 740:2, 746:16, 809:6, 818:15, 819:11, 840:15, 840:23, 853:18, 855:4, 856:2, 856:10, 868:9, 868:13, 868:21, 872:13, 875:15,</p>	<p>875:17, 875:25, 876:14, 877:10, 879:24, 885:14, 885:17, 885:23, 886:15, 888:17, 888:20 England's [2] - 409:8, 484:22 English [1] - 893:5 enhance [3] - 740:6, 818:19, 827:22 enhanced [2] - 483:4, 516:5 enhanceme nts [1] - 438:12 enjoy [17] - 18:19, 39:3, 45:6, 51:23, 61:18, 62:10, 75:6, 133:9, 248:20, 458:9, 499:11, 548:19, 558:10, 558:25, 559:7, 736:25, 893:5 enjoyable [1] - 890:7 enjoyed [5] - 71:8, 71:10, 71:11, 108:17, 547:4 enjoying [2] - 87:1, 96:24 enjoyment [2] - 460:11, 596:21 enlargemen t [1] - 224:25 enormity [1] - 76:1 enormous [4] - 147:19, 410:5, 410:10, 453:2 enormously [1] - 530:22 enrichment [1] - 460:12 ensure [10] - 100:25, 120:6, 175:16,</p>	<p>498:15, 586:20, 610:23, 618:8, 740:5, 816:24, 843:6 ensuring [2] - 390:23, 880:24 entail [1] - 724:13 enter [2] - 129:18, 837:8 entered [5] - 4:3, 260:11, 414:9, 597:19, 771:1 entering [1] - 99:8 Enterprise [1] - 43:5 enterprise [1] - 450:18 enters [1] - 166:25 entertaining [2] - 256:13, 274:3 enthusiasm [1] - 463:19 enthusiast [1] - 463:17 Enthusiasti c [1] - 53:3 enthusiastic [2] - 55:1, 170:1 enticing [1] - 72:16 entire [43] - 18:22, 60:20, 67:24, 69:6, 74:21, 78:25, 150:20, 175:15, 190:14, 249:23, 251:13, 298:2, 299:13, 312:16, 356:9, 357:20, 357:22, 411:3, 423:15, 427:2, 427:3, 472:9, 484:11, 502:1, 502:3, 563:19, 594:14, 596:18, 604:4, 604:6, 670:1, 688:25, 697:2, 697:14,</p>	<p>709:11, 734:13, 734:16, 747:20, 759:7, 801:8, 805:21, 852:18, 886:11 entirely [6] - 31:21, 506:5, 511:17, 618:15, 759:5, 759:7 entirety [1] - 247:16 entities [6] - 371:12, 421:9, 600:5, 751:18, 752:19, 835:15 entity [8] - 3:11, 156:23, 272:15, 357:14, 359:7, 421:11, 628:4, 763:17 entrance [2] - 35:22, 743:22 entreat [1] - 65:1 entrepreneu rial [1] - 482:17 entrepreneu rs [1] - 779:12 entrusted [1] - 599:14 enumerable [1] - 497:18 environmen t [66] - 14:12, 16:6, 19:13, 25:11, 32:14, 54:11, 55:16, 69:1, 75:5, 82:4, 82:8, 87:13, 94:17, 99:6, 107:24, 120:2, 122:20, 128:13, 134:16, 151:19, 194:8, 194:10, 198:23, 204:20, 216:11, 226:2, 233:11, 255:22, 256:6, 261:2, 301:10, 353:21, 393:5, 452:18, 453:23,</p>	<p>463:23, 463:24, 480:7, 483:24, 491:18, 517:9, 517:14, 524:6, 524:14, 524:23, 526:21, 542:25, 544:17, 558:4, 567:21, 604:15, 618:8, 647:17, 654:21, 656:23, 657:8, 720:19, 726:21, 726:22, 747:8, 797:23, 798:13, 800:2, 828:12, 829:3, 838:22 Environmen t [2] - 100:13, 100:14 environmen tal [94] - 11:5, 13:23, 14:4, 17:5, 56:9, 61:5, 61:6, 63:16, 67:7, 78:14, 79:9, 88:2, 95:18, 100:14, 107:7, 107:17, 128:12, 128:14, 136:4, 147:19, 151:2, 169:18, 169:19, 175:23, 176:7, 178:21, 187:12, 195:16, 204:19, 263:6, 280:7, 348:10, 348:21, 349:2, 349:4, 349:5, 355:19, 355:21, 356:2, 356:6, 356:13, 387:8, 428:12, 449:17, 450:1, 459:14, 469:11, 482:14, 484:15, 485:6, 485:13, 486:1, 493:1, 496:11, 496:13, 507:6, 507:7, 508:21,</p>	<p>509:9, 511:17, 513:25, 524:12, 527:8, 529:2, 532:2, 541:1, 552:15, 555:6, 556:17, 567:18, 701:13, 705:10, 708:19, 798:1, 801:22, 810:21, 811:23, 811:25, 816:22, 818:1, 818:7, 824:20, 825:17, 827:4, 827:10, 827:16, 827:18, 828:6, 828:22, 834:19, 841:11, 841:14, 841:16, 848:19 Environmen tal [6] - 23:6, 65:11, 85:25, 159:2, 220:9, 686:4 environmen talist [9] - 38:20, 57:13, 74:2, 78:14, 80:10, 83:2, 134:3, 513:6, 552:3 environmen talists [4] - 128:10, 172:12, 256:23, 515:6 environmen tally [10] - 55:20, 175:23, 198:9, 286:9, 456:18, 476:22, 484:18, 511:19, 568:17, 740:23 environmen ts [6] - 130:10, 130:23, 131:14, 747:7, 799:23, 799:24 envision [1] -</p>	<p>184:8 envy [5] - 61:10, 136:9, 136:14, 143:8, 250:20 EPA [6] - 263:9, 265:20, 827:2, 848:20, 867:3, 871:24 EPA's [3] - 821:22, 826:3, 835:23 epic [1] - 486:2 epidemic [2] - 229:16, 739:8 epiphany [1] - 713:17 epitomizes [1] - 630:4 equal [7] - 71:19, 173:20, 358:16, 501:10, 578:23, 611:25, 691:3 equally [1] - 600:2 equilibrium [1] - 495:10 Equinox [2] - 351:22, 482:2 equipment [24] - 12:17, 165:17, 182:23, 186:20, 188:20, 190:19, 193:10, 198:1, 198:3, 302:14, 302:15, 306:21, 310:5, 310:6, 310:10, 310:12, 311:6, 482:6, 661:8, 795:13, 848:3, 848:4, 854:11 equivalent [16] - 164:4, 181:8, 181:11, 248:6, 265:14, 265:15, 265:16, 274:24, 308:23, 309:2, 501:12, 605:21, 725:4, 733:22,</p>
---	---	--	---	--	---	--

<p>821:25, 852:14 equivalents [1] - 564:22 era [1] - 661:7 eras [1] - 668:20 erect [1] - 92:24 erected [3] - 527:24, 795:7, 795:11 erecting [3] - 108:6, 310:5, 526:18 Eric [20] - 224:2, 247:22, 250:7, 326:25, 597:21, 600:15, 613:23, 615:24, 632:6, 640:1, 640:6, 644:11, 651:2, 661:10, 662:3, 662:14, 677:24, 678:13, 815:20, 834:7 Erica [3] - 836:12, 837:12, 838:13 Ernest [1] - 83:18 erode [2] - 210:12, 217:6 erodible [1] - 216:13 eroding [1] - 108:4 Erosion [1] - 198:4 erosion [54] - 52:7, 195:19, 198:6, 198:10, 198:19, 199:12, 201:14, 202:21, 203:8, 203:12, 203:16, 203:19, 203:22, 204:1, 204:6, 204:14, 206:13, 207:8, 207:15, 208:8, 208:9, 208:13, 210:7, 210:20,</p>	<p>211:3, 212:18, 213:21, 214:5, 214:7, 214:13, 215:20, 216:20, 217:3, 217:6, 217:18, 217:20, 217:25, 218:5, 218:11, 219:1, 225:9, 307:21, 314:6, 478:1, 485:19, 524:9, 524:15, 725:8, 726:3, 726:4, 726:7, 726:9, 726:12, 726:16 erratic [1] - 105:25 error [2] - 639:7, 780:24 erstwhile [1] - 892:11 escape [3] - 535:24, 803:24, 804:1 especially [19] - 17:15, 28:17, 32:6, 41:25, 71:11, 103:6, 260:23, 325:21, 500:18, 518:5, 538:13, 597:6, 623:11, 681:23, 706:21, 724:2, 739:8, 745:3, 893:1 espousing [1] - 24:22 essay [1] - 552:12 essence [8] - 75:8, 137:11, 137:12, 146:5, 857:2, 867:2, 878:6, 882:17 essential [1] - 175:11 essentially [22] - 189:23, 259:5, 259:19, 286:17, 295:5, 306:16, 312:1, 355:18, 356:12, 371:8, 372:12, 391:21, 400:11,</p>	<p>508:23, 511:9, 645:11, 662:17, 668:15, 678:17, 678:18, 745:19, 801:7 Essentially [2] - 312:22, 840:5 establish [12] - 223:15, 258:11, 299:2, 400:21, 428:10, 499:20, 589:18, 591:9, 600:19, 799:3, 831:18, 858:19 established [18] - 8:8, 8:11, 160:18, 189:22, 206:6, 218:21, 218:22, 225:10, 403:10, 425:1, 425:4, 425:6, 428:13, 484:5, 599:20, 629:3, 685:14, 819:3 establishing [2] - 405:21, 490:17 establishme nt [1] - 530:20 estate [12] - 94:4, 108:12, 109:2, 147:23, 270:13, 271:12, 271:22, 375:2, 483:3, 832:4, 845:4, 847:2 estimate [12] - 78:21, 212:1, 268:12, 333:1, 334:14, 361:2, 361:17, 405:14, 423:13, 616:21, 758:16, 862:23 estimated [8] - 253:15, 404:18, 423:13, 425:17,</p>	<p>723:21, 724:18, 734:14, 869:9 estimates [5] - 144:17, 333:14, 350:6, 374:24, 583:16 estimating [2] - 391:25, 871:5 estimation [3] - 372:21, 425:3, 589:20 estuary [1] - 502:14 et [11] - 83:5, 254:8, 254:21, 356:23, 450:10, 623:12, 625:11, 688:9, 747:13, 886:1 ethic [1] - 253:23 ethnic [1] - 78:25 Europe [3] - 275:19, 445:1, 543:12 European [1] - 524:3 Eustis [15] - 23:20, 23:22, 25:8, 44:23, 45:18, 48:2, 105:6, 147:10, 147:12, 147:21, 222:5, 452:4, 453:12, 567:8, 569:2 evaluate [23] - 171:1, 224:6, 246:18, 296:23, 299:10, 312:5, 364:21, 372:1, 628:16, 644:19, 647:15, 647:21, 649:13, 661:13, 665:19, 666:5, 683:8, 683:24, 685:13, 687:3, 693:11, 785:1, 841:15 evaluated [6] - 369:18,</p>	<p>485:11, 605:4, 653:9, 670:20, 809:4 evaluating [9] - 171:9, 287:2, 644:17, 645:1, 645:16, 651:13, 663:4, 785:3, 886:9 evaluation [8] - 171:19, 202:8, 404:11, 445:19, 485:6, 683:19, 697:19, 876:8 evaluative [1] - 686:15 Evans [3] - 22:6, 22:13, 114:7 EVANS [2] - 22:7, 22:11 evasive [2] - 31:20, 211:4 evening [42] - 1:3, 10:3, 23:19, 25:5, 37:6, 38:7, 53:20, 54:3, 57:6, 67:16, 71:3, 93:20, 98:25, 105:8, 106:18, 107:8, 116:2, 122:13, 145:7, 154:5, 154:13, 180:9, 385:21, 447:4, 460:16, 465:2, 477:5, 482:24, 484:14, 510:11, 518:2, 521:19, 527:14, 527:18, 527:25, 531:9, 536:7, 549:10, 552:1, 556:21, 560:21, 566:11 evening's [2] - 2:4, 2:8 evenings [1] - 679:7 evenly [2] - 27:21, 272:16 event [7] - 241:21, 247:20, 311:4, 314:14, 604:17,</p>	<p>814:25, 881:7 events [7] - 237:9, 238:5, 301:11, 314:13, 718:19, 862:18, 862:20 eventually [6] - 74:20, 172:19, 698:17, 734:18, 815:19, 838:16 everywhere [5] - 46:3, 257:9, 301:16, 556:13, 576:13 Evidence [1] - 729:12 evidence [25] - 2:23, 4:4, 54:16, 103:25, 155:21, 287:11, 514:10, 576:21, 688:8, 689:6, 698:4, 701:22, 718:3, 728:15, 728:22, 729:9, 730:25, 768:21, 818:5, 824:16, 824:17, 828:3, 831:7, 831:8, 892:3 evidenced [2] - 482:12, 602:7 evident [2] - 50:7, 847:23 evidentiary [4] - 360:6, 370:19, 783:18, 783:19 Evidently [1] - 850:17 evil [1] - 37:16 evolution [7] - 83:19, 130:19, 347:2, 392:7, 639:25, 717:3 evolutionari ly [1] - 82:10</p>	<p>evolutionar y [2] - 306:12, 317:21 evolved [2] - 461:16, 639:24 evolving [2] - 326:9, 698:10 exacerbate [1] - 726:12 exact [12] - 89:1, 152:3, 176:25, 245:8, 312:24, 314:12, 315:16, 333:6, 401:24, 434:1, 588:2, 601:23 exactly [22] - 21:16, 26:25, 112:7, 182:23, 191:3, 303:22, 402:14, 506:20, 511:22, 559:6, 588:15, 592:3, 632:11, 632:17, 645:20, 664:17, 689:8, 692:17, 710:18, 715:19, 785:3, 846:2 Exactly [3] - 21:17, 216:3, 707:8 exaggerated [2] - 151:15, 153:2 exaggeratin g [1] - 457:7 EXAMINATI ON [84] - 284:25, 304:6, 307:12, 316:4, 329:22, 334:11, 336:9, 341:10, 344:18, 349:10, 353:6, 357:1, 360:16, 366:4, 367:6, 368:3, 368:24, 373:16, 376:11, 378:1, 379:1, 379:11, 382:1, 384:4, 387:22, 389:11, 391:3,</p>
--	--	--	--	---	---	--

<p>392:13, 394:14, 396:22, 397:17, 411:21, 414:15, 417:2, 418:21, 419:12, 420:11, 421:25, 423:9, 570:11, 574:7, 583:12, 584:14, 585:9, 586:22, 590:22, 631:13, 638:21, 644:8, 671:4, 675:5, 699:21, 751:12, 753:14, 755:4, 757:5, 757:22, 760:10, 761:12, 762:25, 768:10, 770:18, 771:8, 775:3, 778:19, 780:14, 784:19, 805:12, 809:1, 812:5, 829:15, 834:8, 837:14, 839:12, 841:6, 842:12, 843:20, 845:22, 868:3, 875:7, 878:10, 883:20, 884:17, 891:1</p> <p>examination [20] - 151:13, 156:11, 226:1, 239:10, 283:1, 283:15, 284:5, 284:7, 284:20, 335:12, 360:12, 408:22, 428:9, 440:20, 569:13, 593:9, 593:18, 622:16, 727:10, 761:8</p> <p>examine [7] - 283:6, 386:22, 422:20, 680:25, 797:1, 815:2, 846:17</p> <p>examined [6] - 365:7,</p>	<p>386:17, 386:19, 814:20, 846:5, 846:21</p> <p>examiner's [1] - 735:20</p> <p>examiners [1] - 829:6</p> <p>examining [4] - 152:16, 284:14, 686:14, 808:16</p> <p>example [43] - 29:1, 29:19, 30:20, 50:2, 66:12, 87:3, 102:12, 107:17, 193:17, 222:1, 222:10, 222:24, 223:12, 227:17, 251:9, 287:4, 317:3, 326:8, 327:11, 334:25, 340:14, 412:13, 462:3, 495:3, 507:3, 563:5, 566:2, 572:19, 602:16, 619:23, 628:22, 632:24, 633:14, 677:13, 683:14, 684:2, 786:16, 791:13, 795:16, 832:4, 853:9, 866:20, 887:3</p> <p>examples [9] - 92:21, 145:3, 145:16, 288:7, 585:15, 740:15, 742:4, 800:21, 822:8</p> <p>Examples [1] - 200:16</p> <p>excavating [1] - 203:12</p> <p>excavation [1] - 724:14</p> <p>Excavation [1] - 524:14</p> <p>exceed [3] - 437:11, 852:9,</p>	<p>853:5</p> <p>Exceeded [1] - 109:1</p> <p>exceeded [3] - 84:21,</p> <p>501:10, 853:5</p> <p>exceeds [2] - 849:25, 878:13</p> <p>Excel [2] - 822:15, 822:22</p> <p>excellent [5] - 13:16, 94:11, 456:22, 474:6, 481:7</p> <p>Except [1] - 738:20</p> <p>except [15] - 9:11, 128:20, 162:8, 242:1, 324:1, 368:14, 638:13, 650:18, 677:14, 690:18, 692:6, 719:14, 725:17, 732:4, 791:22</p> <p>exception [3] - 127:20, 579:13, 741:20</p> <p>exceptional [1] - 145:22</p> <p>exceptions [1] - 485:21</p> <p>excess [9] - 26:2, 144:11, 344:4, 587:18, 672:21, 724:18, 743:20, 766:6, 766:20</p> <p>excessive [6] - 509:9, 610:2, 610:3, 624:7, 627:12, 869:2</p> <p>excessively [1] - 609:23</p> <p>Exchange [1] - 435:19</p> <p>exchange [6] - 26:25, 316:14, 430:21, 440:14, 508:15, 645:2</p> <p>exchanges [1] - 644:22</p>	<p>excited [3] - 19:21, 19:22, 59:2</p> <p>exciting [1] - 104:9</p> <p>excluded [3] - 3:22, 157:5, 162:13</p> <p>exclusive [2] - 548:7, 730:23</p> <p>Exclusively [1] - 122:22</p> <p>exclusively [2] - 230:4, 743:14</p> <p>Excuse [11] - 217:19, 288:15, 335:20, 335:25, 362:21, 371:16, 566:5, 632:8, 634:20, 776:17, 870:4</p> <p>excuse [3] - 439:8, 473:17, 487:4</p> <p>execute [1] - 13:3</p> <p>executing [1] - 165:13</p> <p>executive [11] - 1:12, 54:4, 84:8, 155:6, 200:1, 200:18, 344:20, 426:16, 583:5, 624:23, 838:20</p> <p>exemplary [2] - 742:4, 800:21</p> <p>exempt [1] - 499:19</p> <p>exercises [2] - 407:18, 529:5</p> <p>exercising [1] - 282:22</p> <p>exert [1] - 388:15</p> <p>exhaust [1] - 87:4</p> <p>exhausted [2] - 194:19, 716:22</p> <p>exhaustion [1] - 145:12</p>	<p>exhausts [1] - 149:12</p> <p>exhibit [19] - 9:14, 294:15, 318:15, 574:10, 579:21, 607:13, 635:20, 643:13, 704:23, 705:3, 717:25, 761:20, 778:4, 780:7, 783:3, 783:8, 787:18, 792:21, 869:3</p> <p>Exhibit [15] - 6:3, 6:5, 157:23, 162:16, 162:23, 196:10, 288:10, 294:11, 294:20, 414:10, 662:23, 696:22, 734:13, 849:15, 849:18</p> <p>Exhibits [2] - 9:17</p> <p>exhibits [10] - 5:17, 162:19, 162:21, 162:22, 294:8, 318:11, 318:14, 335:8, 414:5, 414:11</p> <p>exist [11] - 146:3, 166:24, 179:14, 523:8, 683:6, 725:10, 764:13, 764:22, 854:24, 891:7, 891:11</p> <p>existed [1] - 82:11</p> <p>existence [9] - 105:14, 105:17, 182:19, 255:9, 292:11, 383:8, 598:22, 838:14</p> <p>existent [1] - 848:11</p> <p>existing [70] -</p>	<p>13:22, 25:24, 26:1, 29:1, 30:12, 63:22, 78:22, 85:6, 139:5, 158:23, 172:6, 172:8, 174:4, 174:6, 197:10, 197:16, 223:21, 229:25, 231:14, 233:20, 253:8, 254:14, 291:17, 296:2, 322:10, 341:4, 413:4, 423:19, 428:1, 432:21, 432:22, 456:12, 461:23, 482:10, 491:2, 578:7, 588:19, 595:19, 601:19, 603:11, 618:7, 618:9, 619:12, 620:13, 621:16, 632:3, 632:10, 632:14, 652:5, 678:6, 682:16, 684:20, 686:16, 697:11, 711:8, 712:3, 732:19, 737:18, 743:11, 745:5, 803:10, 806:2, 807:3, 821:16, 849:25, 857:7, 873:1</p> <p>exists [9] - 45:17, 231:5, 233:24, 529:2, 545:14, 742:13, 760:15, 854:24, 875:12</p> <p>exiting [1] - 20:11</p> <p>exorbitant [2] - 192:22, 256:12</p> <p>exotic [1] - 847:13</p> <p>expand [2] - 341:16, 876:5</p>	<p>expansion [5] - 183:13, 183:17, 371:13, 539:12, 564:7</p> <p>expansions [1] - 654:14</p> <p>expect [21] - 26:25, 237:18, 258:24, 364:12, 364:22, 364:24, 379:17, 380:3, 531:12, 532:12, 590:1, 590:9, 622:12, 629:21, 683:24, 690:13, 690:22, 755:19, 755:20, 818:25, 840:2</p> <p>expectation [9] - 84:20, 371:12, 437:5, 437:10, 437:12, 585:21, 673:3, 673:4, 690:15</p> <p>expectation s [4] - 92:17, 434:16, 435:9, 630:14</p> <p>expected [13] - 85:3, 132:24, 191:12, 298:8, 337:18, 366:19, 368:20, 372:15, 422:10, 436:18, 565:10, 565:23, 587:25</p> <p>expecting [3] - 602:2, 685:9, 806:23</p> <p>expects [1] - 439:11</p> <p>expend [2] - 109:9, 243:19</p> <p>expense [4] - 193:1, 193:2, 518:20, 726:7</p> <p>expenses [2] - 25:20, 530:3</p> <p>expensive</p>
--	---	---	---	--	--	--

<p>[26] - 12:7, 25:23, 166:8, 193:21, 194:14, 264:4, 264:15, 340:1, 340:2, 341:1, 396:16, 424:5, 456:20, 550:12, 550:14, 550:16, 661:6, 765:25, 828:11, 839:9, 840:23, 845:25, 864:24, 865:11, 877:11, 881:10</p> <p>experience [99] - 45:9, 46:25, 56:14, 94:15, 166:19, 169:8, 174:19, 175:3, 175:4, 178:4, 178:7, 179:12, 195:4, 200:20, 201:8, 201:21, 201:24, 202:7, 202:19, 207:12, 226:3, 228:18, 248:20, 248:21, 263:7, 266:19, 315:21, 316:17, 334:16, 353:22, 363:21, 384:9, 392:22, 396:10, 451:23, 460:6, 462:17, 473:20, 477:14, 484:16, 485:3, 485:23, 488:14, 489:10, 515:22, 535:1, 546:11, 555:14, 556:7, 568:19, 595:20, 597:7, 597:11, 597:12, 597:14, 598:13, 598:15, 616:5,</p>	<p>616:12, 619:17, 622:9, 629:24, 630:2, 634:25, 663:7, 669:15, 670:9, 681:7, 686:1, 686:11, 709:20, 723:14, 735:17, 735:25, 736:11, 747:25, 748:18, 749:18, 764:24, 770:6, 773:9, 800:17, 803:5, 803:13, 820:24, 830:21, 830:23, 831:19, 832:6, 836:14, 837:17, 837:22, 837:23, 838:4, 839:14, 839:15, 839:21, 890:7</p> <p>experienced [11] - 57:23, 164:23, 176:10, 203:11, 349:7, 489:9, 686:18, 736:3, 736:18, 782:15, 825:16</p> <p>experiences [8] - 18:18, 19:14, 71:23, 74:12, 460:9, 641:2, 669:13, 822:7</p> <p>experiencin g [1] - 68:21</p> <p>experiential [1] - 830:14</p> <p>experimenta l [1] - 562:7</p> <p>experimenti ng [1] - 779:12</p> <p>expert [26] - 98:14, 195:17, 200:7, 255:25, 344:6, 364:25, 365:6, 377:24, 379:25, 396:15, 398:1, 409:24,</p>	<p>426:18, 520:13, 562:2, 573:8, 576:21, 593:10, 647:10, 693:6, 711:22, 802:12, 846:18, 846:23, 847:5</p> <p>expertise [12] - 10:24, 164:24, 178:6, 195:10, 340:8, 364:17, 416:5, 416:10, 417:20, 418:1, 495:6, 771:19</p> <p>experts [11] - 14:2, 14:3, 14:6, 14:16, 54:23, 203:13, 237:21, 239:8, 355:8, 597:3</p> <p>Experts [2] - 14:9, 589:24</p> <p>expired [1] - 350:11</p> <p>explain [25] - 272:7, 277:22, 283:17, 286:4, 287:24, 289:19, 292:1, 292:10, 292:16, 326:25, 332:22, 357:12, 380:9, 433:9, 434:24, 435:10, 580:10, 587:2, 635:2, 645:5, 717:4, 803:10, 834:16, 863:20, 884:11</p> <p>explained [2] - 284:1, 676:8</p> <p>explains [3] - 205:22, 434:12, 836:4</p> <p>explanation [2] - 31:7, 432:6</p> <p>explode [1] - 468:23</p> <p>exploration [2] - 351:1, 596:21</p> <p>explore [2] - 43:6, 481:10</p>	<p>explosion [1] - 468:19</p> <p>export [6] - 101:18, 344:3, 544:20, 876:5, 876:12, 877:24</p> <p>exported [1] - 342:19</p> <p>exporter [4] - 187:7, 263:12, 342:17, 851:21</p> <p>exporting [1] - 49:13</p> <p>exports [1] - 101:9</p> <p>exposed [1] - 407:17</p> <p>exposing [1] - 54:8</p> <p>exposure [6] - 64:23, 331:3, 525:22, 598:15, 617:4, 617:18</p> <p>express [8] - 239:6, 354:11, 487:2, 521:21, 706:3, 737:2, 761:5, 808:1</p> <p>Expressed [1] - 309:2</p> <p>expressed [7] - 15:21, 45:14, 244:20, 267:23, 622:22, 706:13, 807:19</p> <p>expression [1] - 468:7</p> <p>expressions [1] - 596:8</p> <p>extend [1] - 221:21</p> <p>extended [6] - 190:17, 686:19, 695:6, 695:7, 699:4, 702:17</p> <p>extending [1] - 742:3</p> <p>extends [3] - 31:23, 300:16, 640:16</p> <p>extension [4] - 249:3, 325:7, 531:14, 851:13</p>	<p>Extensive [1] - 831:21</p> <p>extensive [14] - 13:21, 14:8, 14:9, 229:21, 485:7, 718:10, 724:11, 736:15, 736:17, 739:8, 742:16, 743:3, 743:7, 754:21</p> <p>extensively [4] - 14:17, 336:6, 396:17, 623:11</p> <p>extent [28] - 51:6, 118:8, 195:25, 197:5, 220:20, 228:7, 273:7, 324:9, 344:4, 357:23, 364:17, 384:11, 419:24, 424:4, 610:1, 610:12, 624:6, 629:11, 652:7, 664:23, 676:11, 687:16, 720:18, 728:24, 773:21, 774:2, 826:5, 884:7</p> <p>external [1] - 77:25</p> <p>extinct [3] - 46:12, 82:12, 565:18</p> <p>extinction [1] - 295:2</p> <p>extra [13] - 40:15, 88:14, 89:17, 101:16, 193:14, 533:2, 547:3, 574:1, 574:4, 577:8, 577:11, 586:25, 711:11</p> <p>extraneous [1] - 223:14</p> <p>extraordinary y [3] - 451:17, 599:7, 737:24</p> <p>extreme [1] - 247:3</p> <p>extremely [18] - 22:20, 137:25,</p>	<p>211:19, 255:9, 255:19, 256:1, 418:19, 447:13, 455:18, 661:6, 681:18, 721:10, 736:16, 747:1, 748:22, 773:4, 848:6, 857:9</p> <p>extremes [1] - 54:11</p> <p>extremism [1] - 54:8</p> <p>extricated [1] - 146:23</p> <p>eye [21] - 19:4, 30:10, 30:19, 39:2, 92:20, 103:14, 125:21, 138:7, 325:9, 325:16, 325:21, 482:4, 492:9, 497:17, 502:11, 539:13, 598:6, 606:14, 628:10, 659:2, 670:14</p> <p>eyes [5] - 493:3, 502:12, 541:13, 551:11, 664:14</p> <p>eyesight [2] - 243:7, 659:11</p> <p>eyesores [1] - 104:15</p>	<p>499:17, 505:23, 560:5, 616:14, 623:17, 691:1, 722:20</p> <p>face-to-face [1] - 78:24</p> <p>faced [4] - 127:16, 514:20, 655:3, 800:12</p> <p>faces [7] - 26:21, 54:10, 131:20, 218:16, 560:2, 801:3</p> <p>facilitate [1] - 578:6</p> <p>facilities [32] - 26:1, 52:11, 84:8, 94:12, 150:10, 200:25, 235:15, 249:17, 252:11, 262:9, 332:19, 341:21, 492:11, 499:19, 523:3, 578:2, 578:3, 579:13, 579:15, 582:15, 591:8, 591:15, 610:2, 674:15, 735:2, 779:13, 796:1, 813:13, 817:22, 823:23, 833:17, 869:8</p> <p>facility [37] - 2:13, 2:15, 2:19, 6:20, 10:12, 40:24, 92:1, 147:16, 155:17, 158:11, 158:20, 226:15, 252:6, 296:13, 297:10, 297:11, 324:18, 442:25, 476:16, 563:22, 590:17, 620:25, 642:9, 697:4, 697:5,</p>
F					<p>FAA [4] - 326:9, 326:17, 346:7, 672:13</p> <p>fabric [1] - 107:21</p> <p>face [29] - 16:1, 26:16, 26:17, 33:17, 54:19, 56:2, 64:23, 76:2, 78:24, 126:13, 139:7, 147:22, 215:8, 238:25, 249:23, 344:10, 354:4, 407:7, 427:7, 453:10, 458:18,</p>	

<p>697:15, 814:8, 821:14, 821:18, 821:20, 823:12, 836:25, 877:12, 877:20, 878:17, 880:19, 887:20</p> <p>facing [9] - 17:25, 18:11, 86:8, 117:9, 410:15, 530:14, 559:24, 631:19, 803:13</p> <p>fact [132] - 13:21, 21:7, 30:15, 30:19, 40:6, 40:7, 44:2, 48:15, 68:12, 69:16, 82:10, 85:21, 101:19, 116:19, 120:11, 120:14, 121:13, 121:15, 138:19, 143:25, 144:9, 145:2, 145:14, 146:2, 146:13, 163:22, 168:6, 169:15, 182:14, 200:14, 206:1, 207:11, 210:10, 216:14, 237:19, 251:22, 255:13, 258:25, 262:3, 272:10, 277:9, 287:15, 291:4, 296:18, 306:25, 315:9, 326:11, 326:25, 331:14, 337:9, 339:18, 344:3, 381:10, 381:17, 384:16, 389:1, 391:15, 403:5, 407:11, 408:24,</p>	<p>414:25, 415:13, 422:25, 424:21, 425:12, 431:9, 431:13, 436:22, 447:20, 472:3, 504:16, 506:4, 511:7, 512:5, 558:5, 558:24, 572:11, 623:16, 627:11, 633:10, 634:13, 635:5, 635:23, 636:2, 643:10, 646:19, 650:1, 652:25, 653:24, 661:12, 661:24, 663:8, 677:11, 681:25, 682:9, 691:6, 697:1, 697:7, 697:10, 698:19, 708:21, 709:12, 717:10, 718:9, 728:23, 730:11, 738:17, 753:23, 755:7, 764:19, 769:24, 784:8, 785:20, 787:6, 789:15, 790:19, 791:13, 800:25, 832:21, 834:24, 836:17, 838:23, 839:2, 839:9, 845:17, 847:11, 865:24, 869:6, 872:2, 885:16</p> <p>factor [20] - 28:19, 28:25, 75:4, 171:9, 171:14, 314:17, 341:13, 449:17, 450:25, 451:3, 589:14, 589:15, 602:9, 617:9, 814:3,</p>	<p>861:21, 861:25, 869:2, 869:9, 887:19</p> <p>factored [2] - 697:1, 814:4</p> <p>factories [1] - 46:4</p> <p>factors [28] - 43:14, 44:12, 66:22, 72:3, 92:13, 367:5, 418:11, 449:19, 492:7, 511:23, 515:3, 601:14, 602:23, 603:4, 648:3, 696:16, 697:23, 789:24, 799:15, 799:16, 809:19, 809:21, 812:13, 812:15, 812:24, 813:23, 813:24, 814:3</p> <p>factory [2] - 142:23, 410:8</p> <p>facts [8] - 37:22, 141:25, 352:24, 352:25, 447:22, 514:9, 525:13</p> <p>faculty [2] - 374:6, 413:9</p> <p>Fahrenheit [3] - 393:21, 541:11, 542:1</p> <p>fail [1] - 51:5</p> <p>failed [9] - 156:14, 287:23, 427:25, 428:6, 449:24, 451:14, 607:16, 638:10, 734:12</p> <p>fails [3] - 130:17, 450:2, 562:21</p> <p>failure [2] - 450:13, 825:7</p> <p>failures [1] - 451:18</p> <p>Fair [1] - 804:12</p>	<p>fair [20] - 39:18, 77:23, 185:16, 217:21, 291:2, 301:9, 366:13, 441:10, 473:23, 543:11, 621:6, 622:21, 776:23, 810:11, 811:11, 811:21, 812:19, 813:25, 833:12, 870:10</p> <p>fairly [24] - 5:14, 48:1, 138:2, 140:3, 184:12, 191:24, 211:19, 242:10, 325:23, 425:1, 425:23, 442:1, 584:25, 585:22, 591:6, 663:20, 687:12, 689:3, 704:13, 760:4, 804:10, 825:4, 861:5, 873:13</p> <p>faith [3] - 391:19, 755:20, 817:2</p> <p>Faithful [1] - 501:13</p> <p>faithfully [1] - 889:3</p> <p>fall [26] - 18:14, 18:15, 19:25, 45:7, 45:19, 144:19, 189:25, 196:1, 218:12, 302:10, 302:14, 303:5, 305:20, 305:21, 330:14, 330:16, 520:24, 536:3, 547:2, 720:1, 720:3, 725:12, 734:3, 734:5, 772:24, 799:13</p> <p>Fall [1] - 563:20</p>	<p>fallen [1] - 824:13</p> <p>Falls [1] - 486:12</p> <p>falls [1] - 366:15</p> <p>Falmouth [1] - 103:20</p> <p>false [4] - 150:13, 152:24, 407:7, 828:18</p> <p>falsehood [1] - 151:23</p> <p>familiar [49] - 177:19, 190:8, 255:23, 292:6, 312:20, 318:19, 319:18, 321:10, 376:25, 377:23, 388:8, 388:9, 388:10, 399:21, 439:1, 442:1, 457:9, 486:10, 505:3, 541:20, 591:17, 623:13, 659:2, 668:12, 668:13, 670:5, 673:25, 674:6, 675:16, 692:6, 738:7, 756:1, 789:9, 789:20, 789:22, 791:4, 792:18, 793:1, 794:3, 794:9, 795:19, 796:5, 809:25, 811:16, 842:23, 866:23, 873:14, 882:24</p> <p>familiarity [1] - 444:23</p> <p>familiarize [2] - 195:15, 311:20</p> <p>families [4] - 68:15, 89:13, 567:7, 567:9</p> <p>family [19] - 21:13, 21:19, 46:19, 60:17, 62:5, 67:23, 81:5, 93:25, 107:1, 110:15,</p>	<p>132:8, 133:20, 492:18, 504:21, 521:23, 526:3, 559:22, 566:12, 567:21</p> <p>Family [1] - 413:12</p> <p>family's [3] - 35:14, 67:19, 119:18</p> <p>FAMOUS [34] - 6:3, 157:23, 162:21, 393:8, 414:9, 414:13, 442:8, 442:11, 590:14, 590:23, 591:22, 593:13, 594:14, 620:17, 623:5, 623:8, 623:10, 624:10, 624:16, 624:20, 669:10, 696:20, 696:25, 698:12, 698:15, 753:11, 753:13, 753:16, 755:6, 757:3, 757:7, 757:20, 757:24, 760:9</p> <p>famous [5] - 93:5, 470:8, 524:17, 599:6, 761:3</p> <p>Famous [4] - 1:18, 5:11, 155:7, 592:23</p> <p>fancy [1] - 752:2</p> <p>fans [3] - 88:11, 88:25, 89:2</p> <p>fantastic [4] - 12:13, 148:20, 150:18, 452:16</p> <p>far [94] - 23:7, 38:14, 40:15, 41:1, 51:22, 58:12, 69:6, 86:23, 94:18, 95:19, 120:3,</p>	<p>124:24, 131:2, 140:18, 141:22, 188:1, 188:11, 206:20, 206:25, 214:22, 215:8, 220:19, 237:24, 239:7, 243:7, 261:25, 264:1, 296:11, 299:5, 346:18, 391:11, 397:13, 412:21, 430:4, 434:9, 438:14, 448:8, 449:2, 456:18, 464:10, 489:10, 489:19, 496:6, 497:17, 497:24, 499:12, 499:21, 502:21, 503:25, 517:15, 527:9, 547:12, 555:12, 592:3, 595:24, 598:24, 608:18, 609:6, 645:22, 648:16, 653:18, 657:11, 658:3, 660:2, 660:7, 661:24, 672:15, 672:18, 697:24, 704:23, 707:18, 713:4, 734:9, 736:20, 764:22, 776:21, 785:18, 823:22, 842:17, 849:24, 851:15, 852:16, 852:19, 857:16, 859:8, 865:1, 866:18, 866:23, 874:7, 879:3, 882:24, 893:22</p> <p>Far [1] - 68:1</p> <p>far-to-right</p>
---	--	--	---	--	---	---

<p>[1] - 430:4</p> <p>Farm [41] - 10:10, 17:4, 73:20, 73:25, 74:4, 75:8, 87:17, 253:11, 281:4, 317:17, 317:25, 336:17, 338:16, 339:12, 341:5, 342:4, 342:23, 352:15, 383:9, 383:12, 401:14, 401:16, 402:23, 403:11, 403:25, 404:7, 491:8, 530:18, 598:1, 598:8, 748:20, 810:13, 816:14, 816:19, 821:24, 824:23, 825:18, 827:13, 827:21, 828:25, 838:22</p> <p>farm [108] - 6:12, 18:10, 25:13, 38:21, 45:2, 55:19, 58:25, 59:1, 59:7, 64:1, 65:22, 67:18, 67:19, 68:4, 69:11, 69:18, 69:19, 72:13, 74:7, 86:4, 86:21, 91:10, 98:16, 98:18, 99:10, 104:22, 108:6, 117:5, 117:6, 119:22, 125:24, 158:7, 173:18, 187:21, 193:21, 220:21, 227:20, 253:23, 254:10, 316:9, 318:6, 324:21, 349:14, 352:22, 353:10, 353:23, 354:5,</p>	<p>375:11, 375:17, 375:18, 376:2, 378:8, 413:5, 426:25, 442:16, 456:21, 457:1, 457:2, 464:21, 483:1, 483:11, 483:18, 486:12, 524:22, 528:11, 531:1, 543:13, 555:17, 557:22, 558:21, 579:6, 579:18, 597:3, 601:8, 604:20, 616:7, 617:4, 620:8, 641:18, 641:22, 643:4, 648:20, 652:2, 654:12, 682:23, 722:3, 722:22, 731:17, 739:5, 740:3, 785:1, 785:4, 794:15, 794:21, 801:6, 816:18, 825:22, 826:1, 830:11, 860:4, 860:15, 869:22, 890:12, 891:7</p> <p>farm's [1] - 158:22</p> <p>farmer [5] - 38:19, 57:10, 57:12, 119:21, 559:23</p> <p>farmers [2] - 67:25, 456:23</p> <p>farmhouse [2] - 62:13, 110:8</p> <p>farming [2] - 11:20, 376:4</p> <p>Farmington [12] - 38:16, 141:4, 141:8, 141:18, 141:22, 448:25, 474:6, 474:17, 518:3, 523:18, 524:1, 556:25</p> <p>farmland [1] - 739:4</p>	<p>farms [38] - 43:2, 66:24, 67:3, 85:16, 86:2, 86:9, 86:10, 93:12, 98:20, 98:21, 118:7, 126:17, 179:7, 179:12, 191:17, 191:21, 192:4, 240:12, 252:12, 254:12, 254:24, 351:1, 351:15, 353:22, 445:1, 453:14, 483:19, 484:5, 515:25, 522:3, 527:2, 530:12, 556:2, 558:24, 779:15, 779:18, 807:3, 830:15</p> <p>fascinated [1] - 668:3</p> <p>fascinating [1] - 556:2</p> <p>fashion [2] - 189:9, 697:8</p> <p>fast [9] - 35:18, 36:5, 95:22, 107:16, 139:21, 224:17, 822:22</p> <p>faster [2] - 108:20, 192:2</p> <p>fatalities [2] - 791:14, 791:22</p> <p>fatality [1] - 791:25</p> <p>father [3] - 82:23, 127:11, 872:11</p> <p>fathom [1] - 24:3</p> <p>fatty [1] - 564:11</p> <p>faulty [1] - 33:17</p> <p>fauna [1] - 18:23</p> <p>favor [14] - 60:3, 62:14, 80:7, 91:16, 99:4, 134:7, 149:3, 465:19, 472:4, 473:16,</p>	<p>473:21, 546:1, 556:16, 563:8</p> <p>favorable [1] - 189:19</p> <p>favorably [1] - 508:5</p> <p>favored [1] - 438:10</p> <p>favorite [2] - 499:5, 595:23</p> <p>fear [9] - 54:23, 70:9, 99:25, 104:15, 126:6, 126:7, 706:17, 832:5</p> <p>fearful [1] - 21:2</p> <p>fears [1] - 847:21</p> <p>feasibility [5] - 43:8, 431:2, 432:6, 485:5, 644:23</p> <p>feasible [12] - 104:4, 181:13, 199:20, 392:25, 431:24, 432:4, 433:8, 434:11, 436:5, 436:6, 660:16, 814:6</p> <p>feathers [1] - 793:19</p> <p>feature [6] - 30:14, 460:2, 575:6, 603:12, 631:3, 742:8</p> <p>features [13] - 13:15, 72:5, 72:8, 72:11, 242:16, 299:24, 491:13, 619:18, 619:25, 620:12, 632:19, 722:16, 745:2</p> <p>February [10] - 6:5, 6:7, 8:5, 8:6, 157:25, 160:14, 160:17, 442:8, 442:11, 819:21</p> <p>FECTEAU [5] - 518:2, 520:21, 521:8, 521:10, 521:16</p>	<p>Fecteau [3] - 512:12, 518:1, 518:2</p> <p>fed [1] - 633:11</p> <p>Federal [55] - 7:16, 8:9, 18:4, 25:22, 84:24, 110:25, 114:21, 137:4, 159:25, 160:19, 181:19, 183:6, 202:11, 247:12, 247:13, 279:24, 280:6, 281:5, 281:9, 281:13, 281:14, 281:25, 316:20, 317:5, 319:25, 320:1, 320:2, 320:21, 383:14, 406:15, 407:14, 437:2, 478:12, 489:24, 538:23, 539:10, 539:16, 539:20, 539:22, 539:23, 550:19, 588:18, 611:13, 612:7, 624:19, 629:19, 644:20, 741:12, 747:2, 752:20, 789:10, 789:22, 818:16, 819:8, 819:18</p> <p>fee [1] - 753:8</p> <p>feeble [1] - 106:2</p> <p>feed [3] - 292:12, 301:23, 718:17</p> <p>feedback [1] - 16:9</p> <p>feeder [1] - 721:3</p> <p>feeding [1] - 718:18</p>	<p>feeds [2] - 105:12, 774:9</p> <p>feel-good [1] - 151:20</p> <p>feelings [1] - 86:17</p> <p>fees [3] - 115:1, 115:3</p> <p>feet [124] - 7:1, 7:2, 45:12, 46:7, 52:24, 98:6, 108:8, 124:8, 124:12, 124:17, 124:18, 124:21, 124:25, 142:4, 145:19, 146:7, 148:25, 150:24, 150:25, 159:9, 159:10, 177:5, 197:21, 198:14, 198:20, 198:22, 207:23, 207:24, 208:1, 213:4, 213:5, 213:8, 213:10, 213:15, 213:18, 222:12, 222:13, 225:4, 225:6, 225:18, 229:19, 230:17, 245:12, 250:13, 286:15, 286:16, 291:22, 293:20, 293:21, 307:17, 309:15, 310:1, 311:12, 314:22, 315:1, 315:4, 315:5, 321:19, 325:6, 327:12, 327:14, 327:19, 327:21, 384:18, 428:18, 443:7, 443:8, 476:14, 502:18, 519:13,</p>	<p>523:21, 523:22, 524:3, 524:4, 537:14, 554:6, 561:12, 561:13, 561:14, 561:16, 602:20, 619:22, 633:17, 633:21, 633:22, 634:4, 634:14, 642:12, 642:14, 642:16, 646:12, 659:8, 669:18, 669:20, 709:18, 712:8, 713:21, 714:7, 720:6, 724:7, 725:1, 732:6, 733:8, 741:5, 741:18, 741:22, 742:1, 743:9, 743:12, 743:14, 748:12, 752:21, 752:25, 764:16, 770:13, 773:3, 807:25</p> <p>fell [5] - 110:12, 241:3, 557:7, 715:20</p> <p>fellow [2] - 512:19, 520:13</p> <p>felt [21] - 54:18, 106:7, 224:8, 227:22, 228:5, 255:21, 318:23, 323:17, 380:25, 381:8, 389:20, 417:18, 481:4, 492:19, 503:19, 516:8, 516:9, 526:8, 616:16, 774:18</p> <p>females [1] - 301:15</p> <p>FERC [3] - 84:25, 85:1, 437:6</p> <p>ferns [1] -</p>
--	--	---	---	---	---	--

<p>729:25 ferry [1] - 681:2 fervent [1] - 80:10 Few [2] - 92:10, 568:18 few [70] - 13:13, 43:18, 94:14, 102:2, 106:8, 114:4, 123:1, 140:25, 165:22, 165:24, 166:12, 171:6, 181:1, 187:1, 238:11, 245:4, 245:24, 251:24, 254:18, 290:6, 297:2, 342:15, 349:8, 351:6, 368:23, 432:8, 436:7, 446:12, 449:11, 455:20, 455:25, 459:7, 461:13, 464:2, 487:24, 497:4, 499:10, 500:10, 501:22, 518:16, 523:22, 532:8, 534:25, 539:5, 540:7, 552:22, 592:16, 626:4, 661:4, 664:17, 685:22, 687:4, 690:7, 690:21, 695:11, 695:23, 702:16, 707:13, 760:25, 775:6, 776:22, 777:10, 792:2, 839:3, 841:18, 865:9, 872:7, 873:14, 893:4 fewer [5] - 167:21, 182:1, 237:25, 262:15, 407:13 fewest [1] - 152:20 FIA [1] - 406:14 fibers [2] -</p>	<p>218:3, 218:9 fiction [2] - 803:16, 804:6 fide [1] - 135:5 Field [8] - 80:3, 81:19, 81:23, 680:22, 735:9, 770:17, 770:19, 778:20 field [35] - 175:3, 177:4, 182:25, 193:21, 195:25, 201:12, 202:23, 202:24, 206:9, 229:1, 229:10, 235:23, 251:12, 293:17, 389:6, 395:24, 496:11, 520:9, 556:8, 601:9, 603:6, 603:15, 605:20, 605:23, 605:25, 608:12, 633:23, 633:24, 646:3, 658:11, 663:12, 676:20, 710:17, 830:25 FIELD [3] - 81:21, 735:7, 780:10 fields [8] - 14:2, 126:13, 126:14, 287:16, 515:25, 620:8, 658:1, 739:5 Fifteen [2] - 530:20, 644:13 fifth [3] - 31:2, 67:17, 520:10 fight [9] - 139:8, 335:3, 468:9, 507:21, 552:13, 554:18, 560:17, 797:9, 803:23</p>	<p>fighting [4] - 530:3, 611:10, 611:11 fight [1] - 824:3 figure [18] - 197:11, 199:8, 234:19, 256:3, 268:15, 273:23, 336:17, 337:1, 338:17, 395:25, 407:18, 408:12, 437:19, 438:15, 583:17, 617:3, 694:21, 871:11 Figure [2] - 662:24, 677:24 figured [3] - 709:21, 714:2, 870:19 figures [9] - 381:2, 381:6, 381:7, 381:12, 381:13, 478:3, 525:13, 602:7, 877:10 figuring [1] - 410:10 file [12] - 9:15, 9:18, 162:14, 332:8, 391:9, 414:9, 521:2, 605:2, 632:7, 698:15, 710:10, 774:15 filed [19] - 9:3, 9:7, 9:10, 317:20, 360:6, 361:20, 362:25, 379:21, 387:25, 388:4, 389:4, 389:14, 639:19, 674:22, 701:7, 847:23, 871:3, 892:2 files [2] - 313:14, 688:21 filing [3] - 285:19, 417:10,</p>	<p>639:16 filings [3] - 332:13, 332:24, 874:18 fill [6] - 196:5, 236:4, 339:5, 433:18, 691:10 filled [3] - 433:19, 524:15, 717:25 filled-up [1] - 524:15 filling [3] - 94:6, 196:22, 320:5 fills [2] - 111:7, 197:2 filtered [2] - 227:13, 249:25 filthy [1] - 126:14 filtrates [1] - 717:18 Final [2] - 61:3, 787:19 final [31] - 9:8, 31:2, 95:11, 118:23, 129:2, 157:12, 158:10, 162:1, 190:3, 190:6, 193:2, 196:1, 208:18, 236:9, 252:23, 259:18, 293:16, 308:3, 331:21, 422:20, 473:21, 578:24, 728:14, 745:8, 755:9, 759:11, 770:3, 787:23, 788:4, 803:8, 890:6 finalizing [1] - - 201:13 finally [13] - 103:1, 117:1, 139:4, 153:17, 171:6, 227:18, 358:24, 487:19, 540:5, 559:7, 733:1, 750:11, 846:18</p>	<p>Finally [15] - 19:17, 36:10, 36:13, 153:2, 236:21, 247:5, 248:2, 258:18, 409:19, 460:5, 495:20, 515:22, 685:11, 722:19, 827:20 finance [2] - 354:17, 439:3 Finance [1] - 354:18 financed [1] - 413:12 financial [22] - - 15:11, 25:17, 52:4, 170:12, 189:4, 189:6, 189:10, 271:9, 331:6, 331:12, 331:14, 422:13, 431:1, 432:6, 439:23, 446:24, 480:8, 570:14, 571:14, 572:14, 855:13, 855:23 financially [5] - 165:8, 382:6, 431:17, 432:3, 517:18 Financing [1] - - 438:6 financing [4] - - 63:6, 164:16, 438:9, 438:11 financings [1] - 438:7 findings [6] - 289:22, 492:4, 646:21, 793:18, 825:1, 826:3 fine [9] - 294:4, 304:5, 329:21, 386:23, 395:10, 581:14, 647:4, 656:24, 727:4 finest [1] - 545:5 fingers [2] - 541:24, 796:15</p>	<p>fingertips [1] - - 614:14 Finish [1] - 35:2 finish [8] - 30:4, 34:24, 36:4, 354:21, 385:21, 500:17, 505:14, 505:16 finished [1] - 716:12 finite [2] - 66:9, 469:6 fir [11] - 111:21, 211:8, 230:3, 230:5, 235:9, 406:17, 477:23, 729:22, 729:23, 794:1, 800:22 fire [14] - 26:8, 35:24, 50:21, 124:7, 138:1, 334:18, 334:23, 384:8, 384:9, 384:14, 384:23, 446:5, 602:20, 803:2 fired [24] - 47:24, 153:10, 153:11, 182:5, 257:24, 276:22, 280:19, 281:19, 336:18, 338:22, 340:20, 341:2, 379:19, 450:13, 490:1, 505:7, 553:13, 648:18, 655:12, 669:3, 678:24, 827:15 Fires [1] - 416:17 fires [5] - 103:7, 335:3, 384:11, 414:24, 415:1 firm [14] - 3:11, 49:22, 156:22, 195:3, 257:14, 263:6, 283:21, 283:22,</p>	<p>405:17, 431:6, 506:8, 816:23, 817:24, 854:10 firmly [5] - 112:4, 142:12, 257:8, 469:17, 682:2 firs [2] - 146:16, 826:14 first [126] - 5:23, 25:15, 29:20, 35:16, 40:4, 61:9, 63:4, 67:22, 68:16, 69:11, 89:16, 96:15, 99:4, 110:12, 124:10, 125:24, 133:22, 136:6, 140:18, 143:14, 144:9, 156:1, 156:11, 163:7, 166:4, 167:17, 178:14, 181:4, 182:8, 188:2, 215:22, 230:16, 246:3, 248:18, 253:1, 254:3, 257:4, 264:13, 266:19, 281:6, 283:2, 283:16, 290:1, 290:24, 295:20, 310:10, 321:17, 335:20, 339:13, 339:14, 339:24, 341:13, 355:12, 360:19, 377:11, 378:7, 380:23, 387:1, 401:18, 403:3, 443:22, 443:24, 444:11, 445:6, 449:5, 449:6, 451:7, 459:3, 474:9, 493:18, 502:15, 506:19, 512:18, 513:10, 525:22, 526:4,</p>
---	--	---	--	---	--	--

<p>528:22, 537:4, 537:5, 549:20, 557:1, 580:9, 584:17, 596:3, 615:17, 625:9, 631:11, 634:10, 647:4, 647:6, 647:12, 647:15, 651:9, 680:18, 683:10, 684:14, 687:22, 694:18, 699:25, 700:6, 709:17, 711:5, 715:15, 735:6, 735:13, 735:18, 745:7, 768:18, 769:18, 779:2, 801:4, 805:11, 812:21, 830:24, 834:6, 851:2, 859:1, 868:12, 869:17, 871:12, 881:9, 883:2, 883:19, 892:2, 892:22</p> <p>First [33] - 12:4, 15:8, 25:15, 27:9, 80:5, 97:6, 106:25, 109:24, 147:17, 152:4, 168:14, 180:18, 189:21, 247:14, 266:15, 357:12, 401:22, 425:14, 433:11, 460:23, 494:14, 500:11, 518:4, 529:25, 549:13, 571:11, 623:22, 818:11, 820:24, 847:7, 861:9, 862:13, 866:13</p> <p>first-cut [1] - 745:7</p> <p>fish [10] - 36:17, 122:22,</p>	<p>415:15, 553:11, 564:9, 564:11, 719:4, 719:5, 774:6, 827:1</p> <p>Fish [2] - 229:2, 741:14</p> <p>fished [2] - 35:8, 458:15</p> <p>fisher [1] - 130:2</p> <p>Fisheries [6] - 160:4, 387:10, 387:12, 387:14, 387:16, 774:15</p> <p>fisheries [4] - 415:24, 566:2, 774:16, 774:19</p> <p>fisherman [1] - 458:15</p> <p>fishing [14] - 11:19, 62:10, 71:8, 94:8, 102:17, 230:10, 255:12, 458:15, 458:22, 503:15, 532:25, 535:15, 749:15, 749:16</p> <p>fishway [1] - 586:9</p> <p>fit [16] - 196:4, 196:6, 197:9, 250:18, 431:24, 432:9, 437:23, 517:8, 517:13, 618:17, 619:9, 621:1, 647:17, 651:13, 657:6, 752:8</p> <p>fits [4] - 190:16, 197:3, 211:20, 618:20</p> <p>fitting [1] - 619:5</p> <p>Five [2] - 298:1, 512:11</p> <p>five [47] - 4:18, 8:23, 25:13, 50:20,</p>	<p>127:11, 161:12, 177:18, 179:7, 187:22, 225:5, 228:15, 255:20, 260:19, 267:2, 297:24, 348:4, 377:11, 378:5, 378:19, 378:22, 382:19, 430:12, 502:21, 506:20, 506:21, 507:19, 518:8, 538:7, 541:14, 541:24, 543:12, 564:2, 566:21, 586:9, 682:10, 684:15, 713:6, 724:7, 727:24, 733:9, 742:4, 760:4, 778:1, 800:21, 809:19, 812:14, 814:3</p> <p>five-year [4] - 177:18, 179:7, 378:19, 378:22</p> <p>fix [5] - 97:8, 309:23, 452:20, 470:9, 716:19</p> <p>fixed [17] - 64:7, 167:19, 254:5, 261:8, 261:21, 262:16, 269:5, 571:4, 588:6, 589:7, 589:8, 589:9, 823:8, 836:16, 837:2, 838:15, 839:3</p> <p>fixed-price [3] - 254:5, 261:21, 262:16</p> <p>fixed-priced [1] - 261:8</p> <p>flag [1] - 286:24</p> <p>flagship [1] - 599:7</p> <p>Flagstaff [8] - 249:5, 339:20, 505:17, 529:1,</p>	<p>547:12, 547:18, 708:25</p> <p>flapping [1] - 243:16</p> <p>flashed [1] - 191:6</p> <p>flashes [1] - 257:7</p> <p>flashing [7] - 30:24, 148:25, 368:15, 517:12, 560:11, 708:9, 708:15</p> <p>flat [8] - 212:14, 352:22, 353:23, 354:2, 354:4, 538:4, 562:11, 823:16</p> <p>flattens [1] - 394:6</p> <p>flatter [3] - 193:3, 193:8, 209:20</p> <p>fledged [1] - 117:2</p> <p>fleshed [1] - 676:9</p> <p>flexibility [1] - 197:9</p> <p>flexible [2] - 177:13, 438:6</p> <p>flicker [1] - 30:11</p> <p>flickering [4] - 32:4, 108:8, 499:8, 517:13</p> <p>flies [1] - 736:25</p> <p>flight [3] - 30:22, 243:22, 244:14</p> <p>flip [2] - 404:4, 803:8</p> <p>float [1] - 218:9</p> <p>floating [1] - 565:13</p> <p>float [5] - 57:20, 238:15, 240:2, 716:14</p> <p>flooded [1] - 716:5</p> <p>flooding [1] - 55:12</p> <p>flora [1] - 18:23</p>	<p>Florida [2] - 145:17, 505:21</p> <p>flow [13] - 198:25, 199:6, 199:12, 245:21, 713:5, 716:9, 718:24, 719:9, 720:4, 720:24, 721:6, 773:15, 773:23</p> <p>flowering [1] - 799:11</p> <p>flowers [2] - 798:9, 799:12</p> <p>flowing [3] - 148:5, 276:1, 293:4</p> <p>flows [10] - 195:21, 199:13, 199:17, 589:3, 716:9, 720:2, 721:1, 721:2, 721:13, 774:9</p> <p>fluid [2] - 92:11, 863:5</p> <p>fluorescent [1] - 804:17</p> <p>fly [8] - 89:3, 145:10, 237:25, 242:19, 242:25, 243:15, 458:15</p> <p>flying [16] - 145:12, 234:24, 235:2, 237:23, 241:23, 241:24, 242:3, 244:4, 244:16, 303:23, 304:16, 305:23, 306:2, 391:22, 672:12, 826:7</p> <p>FM [1] - 29:24</p> <p>focal [5] - 605:21, 605:23, 608:9, 678:17, 693:8</p> <p>Focus [1] - 227:16</p> <p>focus [16] - 30:19, 107:8, 150:20, 166:10,</p>	<p>227:17, 231:8, 232:5, 431:6, 431:7, 494:24, 687:7, 717:7, 717:10, 717:12, 750:21, 808:8</p> <p>focused [12] - 30:21, 233:6, 234:22, 295:10, 360:12, 434:4, 631:17, 631:18, 700:1, 789:19, 845:7, 845:8</p> <p>focuses [2] - 233:2, 798:2</p> <p>focusing [6] - 510:22, 630:22, 683:5, 717:13, 808:12, 868:12</p> <p>fog [5] - 28:5, 28:6, 28:12, 42:10, 145:8</p> <p>foggy [2] - 59:3, 145:17</p> <p>fold [2] - 626:14, 785:16</p> <p>folded [1] - 400:14</p> <p>foliage [3] - 18:14, 45:7, 45:20</p> <p>folklore [1] - 464:10</p> <p>folks [42] - 5:24, 11:1, 24:8, 24:21, 26:20, 29:17, 30:15, 31:13, 32:10, 33:4, 34:19, 72:24, 83:24, 107:23, 141:10, 148:13, 244:19, 284:20, 297:2, 359:22, 385:6, 386:4, 387:4, 401:6, 417:17, 439:2, 444:9, 465:9, 470:19, 504:14, 514:5, 514:16, 540:9, 545:21, 549:11,</p>	<p>552:22, 558:1, 570:20, 584:19, 815:9, 888:24</p> <p>Folks [3] - 234:12, 512:23, 512:25</p> <p>follow [13] - 46:15, 69:23, 83:23, 240:16, 243:11, 362:13, 449:11, 620:5, 627:6, 645:19, 775:23, 783:17, 856:21</p> <p>follow-up [2] - 775:23, 783:17</p> <p>followed [11] - 44:17, 81:20, 157:10, 201:19, 420:14, 420:22, 464:11, 470:24, 533:24, 545:20, 555:2</p> <p>following [12] - 32:16, 78:6, 80:2, 96:11, 100:9, 103:16, 150:12, 203:2, 466:23, 486:22, 749:24, 810:16</p> <p>Following [17] - 46:17, 48:24, 54:2, 57:4, 64:18, 75:12, 84:2, 88:5, 116:5, 156:4, 156:7, 477:3, 494:1, 500:1, 523:15, 527:13, 537:22</p> <p>follows [5] - 240:14, 257:22, 652:2, 728:22, 853:21</p> <p>Folster [1] - 219:18</p> <p>food [5] -</p>
--	--	--	---	---	--	---

<p>31:11, 94:7, 730:6, 730:10, 730:12</p> <p>Foods [2] - 709:9, 716:8</p> <p>foods [1] - 730:7</p> <p>fool [1] - 522:21</p> <p>fooled [1] - 35:20</p> <p>fooling [1] - 522:21</p> <p>foot [4] - 50:1, 52:17, 686:12, 764:16</p> <p>footed [1] - 389:19</p> <p>footing [1] - 314:22</p> <p>footings [2] - 315:1, 315:6</p> <p>footnote [2] - 282:9, 361:22</p> <p>footpath [2] - 324:11, 599:23</p> <p>footprint [8] - 130:19, 130:21, 173:21, 205:21, 567:18, 568:25, 710:5, 827:17</p> <p>footprints [1] - 230:19</p> <p>forage [2] - 232:23, 235:10</p> <p>foraging [2] - 62:10, 301:12</p> <p>force [6] - 192:2, 468:25, 785:22, 785:25, 787:25, 788:4</p> <p>forced [3] - 127:15, 456:16, 822:12</p> <p>forces [4] - 358:18, 358:21, 460:8, 710:4</p> <p>forcing [1] - 78:25</p> <p>forecast [3] - 362:6, 435:24,</p>	<p>436:20</p> <p>forecasted [1] - 481:18</p> <p>forefathers [1] - 468:6</p> <p>foreground [22] - 221:13, 221:15, 346:22, 348:6, 603:2, 604:18, 640:5, 640:11, 652:14, 652:15, 652:16, 652:17, 656:15, 656:25, 657:3, 657:10, 657:12, 684:19, 687:18, 688:11, 689:1, 689:14</p> <p>foreground/ background [1] - 602:12</p> <p>Foreign [1] - 127:10</p> <p>foreign [6] - 55:1, 110:20, 115:2, 134:13, 471:5, 525:6</p> <p>foremost [3] - 181:4, 651:7, 694:18</p> <p>foremothers [1] - 468:6</p> <p>foresee [1] - 424:4</p> <p>foresight [3] - 78:16, 470:7, 498:4</p> <p>Forest [33] - 69:3, 120:1, 137:22, 146:14, 221:11, 247:24, 251:3, 326:21, 327:2, 406:8, 530:24, 597:20, 597:22, 600:2, 600:16, 601:3, 601:5, 624:13, 624:16, 624:18, 627:8, 644:12, 644:18, 644:25, 645:3, 645:15,</p>	<p>645:16, 656:7, 663:21, 683:15, 736:5, 753:2, 806:20</p> <p>forest [44] - 50:3, 50:15, 71:14, 229:18, 231:23, 232:18, 233:1, 236:12, 242:9, 250:9, 400:8, 407:9, 414:23, 474:24, 475:2, 475:4, 477:15, 479:5, 479:6, 494:21, 501:19, 540:15, 540:17, 540:21, 542:10, 614:20, 627:7, 645:9, 650:11, 653:7, 687:8, 687:22, 688:1, 724:22, 739:19, 742:5, 782:17, 782:19, 784:1, 784:15, 800:22, 800:24, 803:10</p> <p>forested [5] - 230:25, 231:5, 652:25, 657:20, 717:24</p> <p>Forester [1] - 710:11</p> <p>forester [6] - 474:18, 477:7, 479:15, 480:2, 723:19, 800:16</p> <p>foresting [1] - 11:19</p> <p>Forestry [2] - 474:21, 504:20</p> <p>forestry [8] - 102:9, 149:25, 213:12, 216:23, 540:12, 558:21, 711:13, 782:18</p> <p>Forests [2] - 599:21,</p>	<p>614:18</p> <p>forests [29] - 26:7, 69:3, 86:16, 111:20, 133:10, 231:2, 236:23, 400:4, 400:23, 406:6, 406:13, 406:15, 415:5, 542:11, 545:9, 556:15, 558:21, 600:18, 782:20, 782:25, 783:4, 783:5, 784:9, 793:13, 794:1, 800:9, 802:17, 825:8, 826:18</p> <p>forever [15] - 26:17, 32:6, 37:25, 46:9, 100:1, 101:11, 112:11, 130:23, 151:7, 467:15, 480:9, 483:21, 545:17, 711:19, 713:4</p> <p>forget [9] - 11:14, 69:5, 71:18, 133:13, 171:10, 384:19, 525:25, 709:13, 758:13</p> <p>forgive [1] - 626:2</p> <p>Forgive [1] - 877:5</p> <p>forgot [2] - 386:10, 533:15</p> <p>form [39] - 43:24, 104:2, 110:24, 222:22, 250:24, 259:2, 320:6, 325:4, 398:21, 401:19, 450:14, 603:10, 609:24, 610:2, 610:11, 618:11, 620:1, 624:6, 637:7, 652:1, 652:2, 652:4, 653:10,</p>	<p>653:21, 653:22, 653:23, 657:23, 659:4, 668:3, 668:11, 668:15, 685:4, 687:13, 689:3, 689:8, 775:9, 786:13, 839:24, 892:9</p> <p>forma [1] - 789:1</p> <p>formal [9] - 5:16, 8:7, 160:18, 266:8, 266:20, 287:13, 287:19, 287:21, 363:2</p> <p>formally [2] - 612:25, 615:4</p> <p>formed [4] - 150:1, 330:13, 330:16, 357:5</p> <p>FORMER [6] - 443:25, 506:1, 509:22, 510:1, 511:1, 512:8</p> <p>former [5] - 493:16, 508:1, 540:13, 621:12, 794:17</p> <p>forming [2] - 50:21, 92:10</p> <p>forms [12] - 28:6, 28:11, 28:13, 187:11, 188:9, 223:25, 256:7, 329:10, 363:6, 405:24, 619:25, 646:18</p> <p>formula [3] - 589:15, 589:23, 608:22</p> <p>formulate [1] - 625:6</p> <p>forth [14] - 214:17, 214:23, 215:5, 250:10, 318:11, 322:16, 370:18, 449:9, 510:18, 511:23, 661:21,</p>	<p>674:23, 719:5, 862:6</p> <p>fortunate [6] - 46:2, 107:19, 133:20, 460:19, 504:2, 548:8</p> <p>fortunately [2] - 150:6, 498:1</p> <p>forum [2] - 523:19, 539:22</p> <p>forward [24] - 16:7, 56:20, 69:20, 71:23, 76:13, 78:15, 82:14, 184:12, 208:17, 255:3, 261:10, 344:16, 360:9, 401:25, 405:12, 439:10, 439:15, 469:18, 488:5, 496:21, 564:12, 589:23, 656:12, 806:17</p> <p>forwarded [1] - 787:13</p> <p>Fossil [2] - 261:22, 481:21</p> <p>fossil [70] - 12:7, 12:11, 42:14, 44:9, 47:9, 47:23, 48:12, 53:17, 61:5, 66:9, 82:15, 85:7, 103:25, 120:4, 120:11, 120:15, 121:1, 121:3, 131:4, 164:8, 164:12, 168:16, 168:20, 173:22, 188:16, 336:7, 339:17, 340:19, 341:1, 341:4, 379:18, 402:21, 417:15, 417:23, 418:8, 423:19, 427:8, 452:11,</p>	<p>452:22, 465:11, 471:6, 508:16, 509:10, 511:17, 518:13, 520:3, 528:4, 528:14, 531:16, 541:4, 580:23, 581:6, 582:3, 681:25, 821:8, 823:17, 826:13, 827:15, 828:11, 828:19, 828:23, 835:2, 841:20, 857:2, 857:7, 859:2, 881:7, 881:21, 881:22</p> <p>foster [1] - 254:14</p> <p>fostering [1] - 253:8</p> <p>fought [5] - 114:24, 468:7, 530:17, 535:7, 539:20</p> <p>Foundation [26] - 43:6, 169:5, 335:17, 336:4, 401:10, 413:12, 417:5, 420:14, 420:17, 465:4, 465:8, 465:14, 504:20, 582:25, 744:13, 796:25, 850:18, 868:20, 889:9, 889:15, 889:17, 889:20, 889:24, 890:3, 890:10, 890:14</p> <p>foundation [4] - 198:13, 314:24, 315:4, 465:14</p> <p>Foundation' s [1] - 406:2</p> <p>foundations [4] - 173:13, 376:17, 762:8, 762:20</p> <p>founded [4] - 54:7, 56:13,</p>
---	---	---	---	---	--	--

<p>446:9, 529:19 founder [1] - 493:16 Founders [1] - 457:22 founding [3] - 491:25, 557:4, 802:5 Four [1] - 724:7 four [48] - 8:24, 22:22, 73:5, 109:22, 118:10, 161:13, 163:10, 170:25, 171:20, 195:14, 200:20, 221:17, 267:1, 352:1, 397:21, 399:20, 436:4, 444:5, 474:19, 475:5, 503:8, 534:23, 535:14, 547:19, 568:7, 602:7, 604:8, 605:11, 616:22, 616:23, 617:4, 617:18, 636:17, 636:25, 644:20, 651:10, 651:13, 663:11, 680:17, 683:11, 718:5, 748:19, 748:21, 752:10, 771:21, 779:4, 815:23, 849:2 four-day [1] - 195:14 four-lane [1] - 644:20 four-line [1] - 651:10 fourth [3] - 29:16, 187:15, 533:5 fox [1] - 35:9 fraction [2] - 485:16, 870:20 fractured [2]</p>	<p>- 214:25, 215:2 fragile [25] - 32:6, 45:12, 98:2, 98:8, 130:10, 195:21, 211:20, 448:2, 459:21, 478:6, 478:7, 478:13, 484:23, 524:6, 524:23, 526:21, 542:19, 724:22, 726:11, 726:19, 773:4, 774:3, 774:13, 825:10, 848:13 fragility [2] - 453:6, 453:8 fragment [2] - 234:1, 760:2 fragmentati on [10] - 229:11, 230:13, 236:7, 286:10, 293:22, 429:5, 711:22, 743:7, 780:20, 809:13 fragmented [3] - 233:21, 241:11, 743:17 fragments [1] - 213:23 frame [2] - 252:17, 355:13 France [1] - 92:23 Francisco [1] - 125:25 Frank [8] - 83:18, 523:15, 527:12, 527:13, 527:14, 527:16, 527:18 Franklin [52] - 2:11, 6:9, 38:11, 38:14, 38:15, 39:3, 39:5, 40:2, 45:9, 52:20, 57:24, 58:4,</p>	<p>58:15, 71:7, 71:20, 141:17, 141:23, 142:16, 152:6, 155:14, 158:4, 253:6, 253:7, 253:18, 253:20, 254:4, 254:9, 254:11, 255:3, 267:21, 273:13, 442:14, 447:14, 448:24, 449:7, 460:17, 460:18, 467:7, 526:7, 535:7, 548:17, 548:22, 549:3, 549:5, 593:7, 735:11, 736:23, 830:13, 848:5, 854:17, 870:20, 870:21 Frankly [2] - 475:25, 556:11 frankly [7] - 83:9, 270:10, 273:24, 274:17, 365:1, 415:2, 415:20 Fred [14] - 1:19, 3:5, 38:5, 38:10, 57:11, 57:12, 155:7, 470:24, 477:3, 477:6, 480:21, 506:4, 592:24 free [22] - 17:20, 31:11, 72:16, 87:1, 87:12, 94:16, 340:4, 449:5, 450:18, 508:5, 508:23, 707:17, 707:18, 707:19, 754:10, 804:10, 823:19, 823:24, 857:21, 858:1 freedom [2] - 59:11, 684:9 Freeman [3] -</p>	<p>71:4, 527:19, 538:9 Freeport [1] - 60:16 freezing [7] - 28:5, 28:12, 28:16, 59:3, 395:11, 396:5, 452:17 Fremont [2] - 117:7 Frenchman [1] - 737:7 frequency [2] - 303:10, 832:24 frequent [3] - 126:2, 198:24, 236:14 frequently [6] - 52:13, 92:7, 295:14, 346:17, 617:22, 758:20 fresh [3] - 21:24, 565:15, 565:22 FRICK [9] - 202:6, 206:7, 207:6, 209:23, 210:23, 213:9, 213:17, 213:20, 214:13 Frick [7] - 176:7, 198:7, 202:6, 205:24, 209:17, 210:18, 218:20 Friday [4] - 1:7, 65:12, 65:13, 65:16 Fridays [1] - 65:20 friend [2] - 504:6, 548:2 friendly [5] - 25:24, 34:19, 55:20, 175:23, 524:12 Friends [16] - 149:21, 149:22, 150:4, 373:3, 373:8, 421:23, 457:22, 584:18, 815:17,</p>	<p>842:11, 842:14, 846:19, 847:7, 848:24, 883:13 friends [8] - 35:25, 267:5, 487:12, 552:2, 555:15, 555:20, 830:7 frightened [1] - 143:1 fringe [1] - 429:25 frog [1] - 289:16 front [29] - 3:5, 3:15, 10:1, 11:14, 31:4, 111:5, 111:6, 115:19, 177:7, 215:11, 257:5, 257:7, 288:23, 308:9, 410:21, 450:12, 467:10, 499:13, 512:13, 529:12, 537:23, 560:6, 560:8, 561:23, 688:15, 758:16, 782:16 frost [2] - 28:10, 476:11 froze [1] - 406:10 frozen [4] - 27:15, 50:22, 395:10, 396:8 frugal [1] - 67:25 fruited [1] - 38:2 fruitfully [1] - 494:4 fruition [3] - 12:14, 16:4, 482:19 frustrated [1] - 694:2 frustration [2] - 694:4, 776:25 fuel [79] - 12:11, 42:15, 42:21, 44:10, 47:23, 61:5,</p>	<p>64:23, 85:7, 94:7, 120:5, 120:11, 121:1, 121:3, 131:4, 134:13, 164:12, 181:7, 188:16, 259:2, 259:5, 261:20, 261:22, 261:23, 335:24, 336:7, 337:13, 338:7, 339:17, 340:19, 341:1, 341:5, 379:19, 402:21, 403:4, 412:16, 417:15, 417:23, 418:8, 423:19, 423:22, 427:8, 452:11, 452:19, 452:22, 455:12, 465:11, 469:9, 471:6, 479:3, 481:12, 481:21, 508:17, 508:24, 509:10, 528:4, 531:16, 541:5, 557:13, 580:23, 581:6, 582:3, 582:4, 582:6, 817:11, 823:17, 824:3, 826:13, 827:15, 828:19, 828:23, 835:2, 841:20, 857:2, 857:7, 881:7, 881:21, 881:22 fuel-fired [1] - 827:15 fuels [21] - 12:7, 47:9, 48:12, 53:17, 66:10, 82:16, 103:25, 120:16, 164:8, 168:16, 168:21, 173:22, 511:18, 518:13, 520:3, 528:14, 681:25,</p>	<p>817:14, 821:8, 828:11 fulfill [3] - 50:25, 101:4, 818:25 fulfilled [1] - 279:12 full [29] - 62:15, 71:5, 117:2, 192:13, 237:16, 249:24, 324:9, 325:7, 348:10, 356:7, 377:5, 378:6, 378:23, 438:2, 475:8, 506:7, 525:17, 568:19, 581:14, 728:24, 736:24, 738:14, 746:18, 788:17, 788:22, 789:1, 820:6, 862:1, 863:2 full-fledged [1] - 117:2 full-time [5] - 237:16, 377:5, 378:23, 475:8, 736:24 Fuller [1] - 68:8 fuller [1] - 84:25 fully [13] - 66:5, 190:4, 364:24, 368:12, 413:7, 415:9, 432:22, 439:3, 475:25, 486:6, 515:18, 788:6, 804:2 fun [1] - 708:19 function [6] - 272:4, 656:10, 721:14, 803:23, 803:24, 804:2 functional [1] - 285:23 functionally [2] - 27:17, 754:11 functioning [1] - 754:15 functions [2]</p>
--	--	--	---	--	---	--

<p>- 718:7 fund [4] - 165:10, 186:16, 331:9, 331:10 fundamenta l [1] - 728:17 fundamenta lly [2] - 18:21, 712:22 funded [6] - 144:4, 201:2, 331:15, 765:10, 765:14, 765:18 funding [2] - 165:9, 418:3 funds [4] - 85:9, 411:2, 655:15, 674:24 furnaces [1] - 528:19 furnish [1] - 51:3 Furthermor e [6] - 485:19, 524:19, 819:1, 820:21, 826:19, 890:14 Future [4] - 74:5, 321:9, 465:4, 488:1 future [87] - 17:7, 17:8, 17:9, 18:19, 25:20, 35:11, 39:20, 45:13, 56:25, 64:15, 76:1, 76:16, 77:9, 77:13, 78:1, 78:4, 81:3, 81:6, 81:7, 82:15, 83:23, 83:24, 98:11, 104:18, 111:24, 122:6, 125:9, 126:6, 133:5, 147:23, 162:6, 165:6, 173:19, 183:23, 189:20, 190:11, 201:16, 209:2, 252:13, 268:24, 275:17, 310:7,</p>	<p>371:18, 371:23, 371:25, 372:1, 372:17, 459:6, 470:3, 470:4, 475:12, 482:19, 483:17, 490:9, 492:25, 493:11, 499:22, 509:25, 515:1, 522:24, 535:13, 536:5, 536:17, 537:2, 559:20, 560:16, 561:6, 568:16, 596:11, 598:6, 599:15, 604:22, 610:24, 657:12, 661:17, 681:23, 722:12, 725:14, 745:18, 800:1, 808:11, 816:22, 816:24, 827:11, 854:25, 866:14 futures [1] - 435:18</p>	<p>279:8, 614:19 gamut [1] - 644:24 GAO [3] - 789:11, 789:22, 791:4 garbage [3] - 92:2, 633:8 gardening [1] - 62:11 garnering [1] - 276:21 Garret [4] - 537:24, 543:20, 543:21, 543:24 Garrett [2] - 555:3, 555:5 GARRETT [1] - 555:5 GARWOOD [2] - 257:13, 344:9 Garwood [12] - 257:13, 257:14, 335:19, 341:10, 341:16, 356:24, 357:2, 357:9, 368:23, 368:25, 573:16, 885:16 gas [120] - 12:10, 44:11, 64:8, 68:17, 70:2, 101:12, 114:22, 120:9, 120:24, 164:8, 164:11, 185:3, 185:5, 185:6, 185:7, 187:18, 187:20, 187:22, 257:24, 258:25, 259:3, 259:7, 259:10, 261:14, 261:16, 264:1, 264:2, 264:4, 264:6, 264:16, 264:18, 264:20, 264:22, 265:4, 265:5, 265:6, 265:7, 265:10, 266:1, 266:5, 269:5, 277:12,</p>	<p>281:22, 336:18, 336:20, 337:2, 337:8, 337:12, 337:13, 337:19, 337:21, 338:7, 338:8, 338:9, 338:11, 338:14, 338:21, 340:2, 340:3, 340:14, 340:16, 341:4, 342:24, 343:2, 343:3, 343:6, 382:18, 402:1, 402:2, 402:11, 402:21, 403:6, 403:12, 405:10, 410:5, 410:13, 411:12, 411:15, 435:19, 435:22, 469:5, 469:8, 481:17, 508:20, 514:18, 544:10, 563:14, 563:17, 563:23, 563:25, 565:1, 581:25, 582:1, 648:18, 655:12, 655:17, 669:3, 678:24, 679:9, 822:9, 822:19, 823:21, 823:23, 824:1, 840:20, 841:21, 841:24, 842:4, 872:10, 873:11, 873:22, 874:17, 880:11, 883:1 Gas [4] - 335:23, 858:18, 872:6, 882:10 gas-fired [7] - 257:24, 336:18, 648:18, 655:12, 669:3, 678:24 gas- powered [2] -</p>	<p>185:3, 185:5 gases [4] - 55:5, 266:3, 541:4, 825:19 gasoline [3] - 115:4, 412:13, 582:6 Gaspé [3] - 58:23, 59:5, 826:23 gasses [1] - 168:17 gather [4] - 615:17, 764:7, 764:9, 888:23 gathered [1] - 757:17 gathering [1] - 801:24 gauge [1] - 525:18 gavel [1] - 4:22 gee [1] - 437:16 gees [1] - 516:22 gem [1] - 529:8 gene [2] - 66:8, 66:20 General [1] - 509:20 general [33] - 86:13, 97:16, 154:5, 158:17, 162:4, 175:25, 229:6, 261:12, 277:21, 331:20, 344:9, 360:14, 372:3, 375:3, 388:20, 389:3, 389:24, 403:11, 415:8, 441:6, 491:20, 521:25, 543:9, 654:22, 691:13, 745:14, 752:24, 791:9, 793:6, 826:15, 833:17, 833:18, 874:2 General's [1] - 592:25 general's [2] - 127:5, 156:15 generalized [2] - 199:6,</p>	<p>507:3 Generally [3] - 333:11, 343:2, 579:10 generally [46] - 52:12, 219:9, 229:19, 243:3, 301:5, 346:7, 351:4, 353:20, 354:13, 363:25, 388:7, 388:24, 390:2, 390:17, 391:10, 393:25, 402:9, 404:15, 410:4, 579:11, 614:21, 634:14, 644:17, 718:22, 753:1, 777:14, 779:5, 779:24, 782:15, 784:4, 791:8, 791:13, 791:23, 792:5, 794:9, 802:12, 804:10, 808:3, 808:7, 834:2, 839:21, 865:1, 877:15, 893:9 generate [32] - 49:8, 58:17, 153:6, 164:4, 164:14, 180:20, 187:17, 252:7, 263:14, 263:16, 263:23, 277:9, 279:9, 279:11, 281:4, 281:8, 281:9, 281:24, 327:19, 358:16, 430:12, 430:14, 479:9, 505:2, 529:3, 578:13, 578:21, 587:12, 598:24, 817:20, 821:24, 881:15 generated [41] - 25:16, 25:23, 26:8, 51:20, 53:14, 53:17, 85:18, 132:19,</p>	<p>137:18, 138:14, 148:18, 174:24, 181:23, 182:2, 182:12, 196:9, 224:16, 249:14, 249:19, 263:25, 264:2, 272:11, 279:13, 327:7, 336:7, 336:24, 480:18, 486:15, 564:8, 580:23, 585:22, 586:16, 820:25, 822:10, 823:22, 827:14, 828:10, 846:9, 878:15, 880:25 generates [3] - 225:23, 280:1, 456:2 generating [20] - 10:12, 17:20, 26:1, 29:11, 29:12, 72:1, 85:7, 179:11, 243:16, 265:11, 267:17, 332:19, 528:13, 528:21, 585:24, 599:3, 779:13, 840:20, 861:18, 873:16 generation [90] - 12:11, 15:25, 19:16, 25:16, 40:15, 46:15, 67:17, 67:22, 68:15, 77:21, 87:19, 90:19, 91:11, 91:15, 122:16, 164:9, 164:12, 175:3, 176:9, 184:24, 185:5, 188:6, 188:13, 188:20, 257:24, 258:3, 258:19,</p>
G						
	<p>Gail [3] - 97:20, 98:25, 99:1 gain [2] - 282:25, 838:13 gained [1] - 586:4 gainfully [1] - 557:9 gaining [1] - 479:11 gallon [6] - 70:2, 115:4, 115:6, 134:11, 412:12, 466:14 gallons [1] - 265:16 game [2] -</p>					

<p>259:10, 275:6, 337:22, 340:19, 344:10, 358:14, 358:20, 359:8, 382:12, 382:14, 382:15, 383:3, 383:18, 402:14, 402:17, 402:23, 402:25, 403:25, 404:8, 408:1, 419:3, 419:24, 423:14, 423:19, 423:22, 423:25, 479:4, 481:16, 481:25, 493:11, 509:17, 522:23, 523:3, 523:9, 528:22, 533:5, 544:20, 559:21, 560:16, 577:24, 578:6, 586:8, 586:12, 588:19, 591:16, 821:11, 821:15, 822:24, 827:16, 833:16, 852:11, 852:14, 857:3, 872:19, 877:3, 877:18, 877:24, 878:2, 881:3, 881:7, 884:7</p> <p>Generation [1] - 401:16</p> <p>generations [16] - 17:9, 35:14, 46:15, 76:2, 98:11, 126:6, 359:11, 459:6, 488:15, 535:13, 536:5, 567:7, 596:11, 598:14, 599:15, 725:2</p> <p>generator [7] - 177:6, 338:21,</p>	<p>338:22, 338:24, 369:17, 370:25, 452:13</p> <p>generator's [2] - 369:10, 369:11</p> <p>generators [12] - 49:10, 51:2, 371:8, 371:18, 372:12, 826:20, 828:19, 828:20, 840:23, 876:24, 881:5, 881:6</p> <p>generous [2] - 364:13, 670:23</p> <p>gentleman [2] - 114:10, 444:11</p> <p>gentlemen [6] - 10:4, 57:6, 106:12, 116:10, 141:18, 482:24</p> <p>genuine [1] - 449:16</p> <p>Geographic [1] - 640:25</p> <p>geographic [2] - 72:5, 169:17</p> <p>geographic al [3] - 25:11, 732:7, 844:7</p> <p>geographic ally [1] - 147:17</p> <p>geography [3] - 375:15, 415:15, 482:10</p> <p>Geological [1] - 556:8</p> <p>geologist [3] - 555:7, 771:16, 771:21</p> <p>geologists [1] - 203:12</p> <p>geology [2] - 459:17, 495:11</p> <p>geopolitical</p>	<p>[1] - 482:13</p> <p>Georgetown</p> <p>[1] - 708:6</p> <p>Georgia [7] - 172:17, 472:10, 501:22, 612:20, 614:16, 629:15, 805:21</p> <p>Georgia- Pacific [1] - 172:17</p> <p>geotechnica l [1] - 176:4</p> <p>Gerald [1] - 795:23</p> <p>German [1] - 523:25</p> <p>GI [1] - 474:8</p> <p>gift [3] - 94:8, 106:10, 599:8</p> <p>gigantic [1] - 111:21</p> <p>Gilead [2] - 559:11, 560:22</p> <p>Gilmore [2] - 132:5, 133:15</p> <p>GILMORE [2] - 133:16, 133:18</p> <p>Gipe [1] - 92:6</p> <p>Gipé [1] - 92:6</p> <p>girl [1] - 110:13</p> <p>girls' [1] - 525:24</p> <p>GIS [7] - 601:9, 603:19, 635:6, 636:7, 689:13, 806:20, 806:23</p> <p>gist [1] - 637:14</p> <p>Given [3] - 43:19, 776:3, 891:5</p> <p>given [36] - 4:7, 14:3, 45:4, 65:12, 128:1, 128:11, 148:16, 156:20, 163:13, 207:10,</p>	<p>207:21, 251:22, 313:2, 335:8, 347:7, 367:20, 418:17, 425:13, 470:8, 535:12, 539:14, 586:16, 659:15, 691:3, 704:5, 705:13, 719:7, 745:13, 751:1, 774:7, 786:1, 863:9, 871:20, 872:17, 886:19, 888:5</p> <p>glacier [1] - 477:22</p> <p>Glacier [2] - 486:13, 501:6</p> <p>glaciers [1] - 56:22</p> <p>Glaciers [1] - 68:20</p> <p>glad [6] - 111:18, 462:20, 504:11, 548:6, 566:22, 611:3</p> <p>glare [1] - 666:9</p> <p>glasses [1] - 404:5</p> <p>glazed [1] - 551:11</p> <p>Glazier [1] - 501:14</p> <p>glaziers [1] - 501:14</p> <p>gleaming [1] - 18:20</p> <p>glimpse [1] - 224:22</p> <p>glimpses [1] - 684:25</p> <p>Global [5] - 53:16, 55:10, 75:7, 265:20, 553:15</p> <p>global [134] - 18:2, 18:7, 18:22, 39:10, 39:13, 39:15, 40:8, 42:16, 54:16, 54:20, 54:23, 55:5, 55:8, 55:22, 57:23, 58:16, 61:12, 61:16,</p>	<p>70:21, 70:23, 74:12, 74:20, 75:4, 76:6, 80:18, 81:8, 87:17, 90:20, 94:17, 94:21, 101:2, 101:25, 103:9, 103:22, 104:1, 104:22, 106:4, 106:7, 113:23, 114:2, 114:17, 114:19, 117:18, 126:7, 126:12, 136:11, 143:25, 144:1, 144:3, 146:8, 146:14, 255:22, 256:1, 256:24, 261:3, 276:9, 379:16, 406:6, 406:12, 406:20, 406:22, 407:4, 407:11, 414:19, 414:21, 415:10, 415:19, 416:6, 427:9, 445:15, 457:4, 465:10, 466:2, 471:4, 480:11, 483:20, 500:11, 500:14, 506:24, 507:22, 510:13, 511:12, 511:16, 514:10, 519:18, 519:20, 520:5, 531:19, 540:16, 540:20, 540:25, 541:3, 542:20, 544:23, 545:2, 561:1, 565:3, 566:2, 568:19, 717:9, 722:2, 722:4, 722:5, 722:10, 722:17, 782:21, 784:2, 784:8, 784:11, 794:2, 797:9,</p>	<p>800:25, 801:7, 801:14, 801:20, 802:10, 802:13, 803:15, 803:23, 804:6, 804:24, 805:16, 808:9, 818:12, 824:25, 834:25, 835:2, 835:6, 835:12, 835:17, 835:25, 855:20</p> <p>globally [2] - 541:9, 718:15</p> <p>glorious [1] - 106:6</p> <p>glow [2] - 670:5, 670:6</p> <p>glut [2] - 142:11, 475:24</p> <p>glutinosly [1] - 598:23</p> <p>GMA [1] - 739:24</p> <p>goal [15] - 184:16, 212:9, 276:10, 432:25, 433:2, 480:7, 530:19, 603:7, 609:21, 614:12, 682:18, 818:20, 818:25, 827:22, 872:11</p> <p>goals [15] - 168:18, 168:19, 195:18, 201:19, 261:6, 363:25, 373:14, 430:17, 740:5, 740:11, 740:14, 749:9, 818:11, 858:16, 865:18</p> <p>gobbling [1] - 24:22</p> <p>God [4] - 38:3, 257:5, 421:20, 475:9</p> <p>God's [2] -</p>	<p>37:14, 37:16</p> <p>GOLDBRUN NER [1] - 174:16</p> <p>Goldbrunne r [2] - 11:10, 174:17</p> <p>Golden [1] - 232:22</p> <p>golf [2] - 708:23, 711:1</p> <p>Golf [2] - 226:9, 847:1</p> <p>golfers [1] - 566:25</p> <p>gondola [3] - 52:25, 546:17, 546:21</p> <p>goodness [1] - 517:20</p> <p>goods [4] - 15:12, 94:9, 254:7, 817:17</p> <p>Gooley [4] - 470:23, 474:5, 474:17, 478:24</p> <p>GOOLEY [1] - 474:2</p> <p>gorgeous [4] - 115:20, 553:7, 553:9</p> <p>gorilla [2] - 131:9, 131:18</p> <p>Gosh [1] - 30:5</p> <p>government [28] - 8:22, 11:8, 96:17, 98:22, 114:21, 117:1, 154:3, 155:19, 161:11, 247:12, 247:13, 281:15, 320:21, 332:19, 406:21, 407:14, 539:10, 539:16, 539:20, 539:23, 612:7, 629:20, 751:20, 789:10, 789:11, 789:12, 789:23,</p>
--	---	---	---	---	---	--

<p>818:16 government s [1] - 254:16 governor [8] - 20:23, 85:1, 85:10, 116:22, 509:24, 510:7, 510:9 Governor [6] - 443:23, 500:2, 505:25, 509:19, 512:4, 553:18 GOVERNOR [6] - 443:25, 506:1, 509:22, 510:1, 511:1, 512:8 Governor's [3] - 835:9, 835:19, 874:11 governor's [1] - 544:2 GPS [2] - 286:23, 714:25 GPSs [1] - 710:11 grabbed [1] - 314:12 grace [1] - 38:3 graceful [1] - 61:15 grade [2] - 197:20, 197:21 gradients [2] - 585:25, 722:9 grading [1] - 395:10 graduate [2] - 483:12, 830:24 graduated [3] - 65:9, 448:25, 503:13 graduation [1] - 552:11 Grafton [1] - 778:15 grain [4] - 38:2, 467:13, 705:17, 705:24 grand [3] - 294:4, 470:5 Grand [5] -</p>	<p>458:16, 501:6, 640:20, 641:1, 759:22 grandchildr en [17] - 39:22, 61:18, 76:15, 77:16, 112:14, 126:7, 469:19, 483:15, 514:14, 517:22, 518:22, 533:18, 533:19, 538:7, 538:8 grandfather [4] - 63:1, 82:23, 559:23, 599:6 grandfather' s [2] - 67:19, 68:4 grandmothe r [2] - 128:4, 739:3 grandparent [1] - 84:18 grandparent s [4] - 18:14, 37:12, 560:1, 560:5 grandparent s' [1] - 67:18 granitic [2] - 772:18, 772:20 grant [4] - 8:17, 447:1, 816:15, 843:9 granted [7] - 8:17, 8:19, 19:19, 161:6, 161:9, 492:24, 650:7 granting [1] - 450:15 graph [4] - 322:11, 432:18, 720:2, 769:10 graphics [1] - 411:5 grapple [1] - 460:24 grappling [2] - 860:1 grass [12] - 118:15, 118:16, 206:5, 206:6, 211:7,</p>	<p>217:9, 218:1, 218:2, 218:13, 301:23, 729:25, 797:9 grateful [2] - 74:24, 96:16 gratified [1] - 15:19 grave [4] - 31:3, 453:25, 564:13, 760:6 gravel [8] - 6:17, 6:24, 158:14, 159:7, 442:21, 443:5, 701:24, 759:22 gravely [2] - 572:8, 572:9 Gray [1] - 525:16 gray [11] - 223:2, 328:2, 328:5, 328:6, 337:6, 337:7, 651:14, 651:15, 651:19, 651:22, 693:1 Great [7] - 47:13, 186:8, 303:12, 304:13, 486:12, 680:1, 748:1 great [60] - 29:16, 40:24, 54:22, 63:1, 67:18, 74:1, 80:16, 92:24, 97:17, 104:5, 104:21, 112:14, 144:1, 146:25, 147:22, 217:12, 228:16, 228:23, 232:19, 273:22, 286:5, 298:3, 298:18, 300:12, 302:22, 327:9, 327:15, 333:3, 407:17, 417:25, 446:1, 460:8, 463:5, 469:19, 470:5, 495:17, 498:10, 505:4,</p>	<p>505:16, 533:19, 538:7, 554:17, 554:19, 559:23, 563:13, 568:2, 619:10, 621:19, 670:13, 670:19, 737:3, 754:16, 789:5, 802:15, 802:17, 803:18 greater [18] - 69:6, 148:19, 168:7, 168:8, 234:18, 241:13, 241:20, 298:22, 333:12, 358:25, 390:23, 634:11, 686:19, 733:23, 761:17, 818:13, 849:19, 869:11 Greater [1] - 253:6 greatest [15] - 54:20, 76:11, 99:12, 175:6, 361:17, 421:14, 497:14, 526:25, 617:23, 736:12, 736:20, 741:3, 741:7, 770:22, 813:6 greatly [10] - 55:16, 96:21, 151:15, 409:11, 510:10, 658:2, 719:1, 724:21, 724:23, 766:8 Greece [1] - 69:9 greed [1] - 460:14 GREELEY [2] - 75:14, 75:17 Greeley [3] - 73:11, 75:12,</p>	<p>75:17 green [39] - 48:8, 48:10, 84:14, 99:10, 198:17, 212:13, 231:2, 231:23, 234:4, 252:13, 255:17, 256:11, 256:19, 264:11, 264:13, 272:13, 280:12, 282:2, 517:2, 517:9, 696:3, 734:16, 803:25, 804:3, 804:8, 821:12, 821:15, 821:22, 822:17, 823:5, 834:22, 836:4, 836:10, 836:19, 836:22, 837:3, 838:6, 838:14, 845:24 Green [5] - 85:25, 821:19, 821:22, 835:23, 836:2 Greenfield [1] - 578:4 Greenhouse [3] - 858:18, 872:6, 882:10 greenhouse [18] - 12:10, 40:14, 164:11, 168:17, 266:3, 277:12, 402:2, 402:11, 405:10, 410:5, 410:13, 411:11, 411:14, 514:18, 541:4, 804:18, 825:19, 872:10 Greenland [2] - 565:13, 565:14 Greenville [2] - 122:14, 122:18 Greenwood [1] - 492:14 grew [9] -</p>	<p>68:6, 117:3, 467:5, 469:11, 492:13, 496:7, 670:6, 739:3 Greylock [2] - 674:1, 776:11 grid [35] - 23:1, 35:21, 47:13, 101:10, 112:25, 158:23, 258:6, 327:22, 338:25, 339:8, 341:19, 342:1, 342:3, 342:12, 342:20, 357:11, 357:13, 357:18, 358:7, 358:8, 371:23, 381:18, 403:1, 424:2, 424:13, 476:22, 544:21, 550:11, 550:13, 550:15, 550:18, 633:18, 724:12, 819:25, 887:5 grilled [1] - 510:7 grind [1] - 126:4 grinding [1] - 105:23 grindings [2] - 211:15, 218:3 grip [1] - 490:11 Ground [1] - 476:11 ground [46] - 6:25, 124:9, 159:7, 209:6, 221:13, 221:17, 226:12, 237:20, 240:15, 247:9, 250:8, 286:7, 312:19, 312:25, 348:7, 384:22, 384:23, 396:8, 443:5, 484:16, 601:11,</p>	<p>601:16, 602:15, 603:1, 628:2, 640:5, 640:16, 652:23, 657:13, 657:17, 657:21, 657:22, 657:23, 658:15, 684:19, 714:16, 725:12, 726:8, 729:24, 730:1, 764:13, 771:19, 779:25, 798:10, 892:17 grounds [4] - 199:1, 227:15, 449:15, 449:24 groundwate r [13] - 199:3, 199:12, 203:6, 292:2, 292:15, 292:20, 293:1, 293:2, 394:1, 395:17, 712:19, 721:8, 721:23 group [52] - 60:9, 60:22, 63:14, 67:7, 80:14, 126:24, 129:5, 150:1, 150:16, 150:22, 165:12, 191:10, 210:16, 335:16, 344:7, 357:5, 373:2, 385:11, 398:17, 398:20, 447:18, 496:4, 525:23, 568:8, 583:3, 583:7, 595:2, 646:24, 679:8, 680:5, 680:7, 681:11, 695:25, 746:17, 771:3, 786:4, 786:12, 787:5, 788:10, 788:17, 788:18, 788:23, 789:2,</p>
--	---	--	---	--	--	---

795:19, 796:14, 815:21, 841:4, 841:15, 847:8, 858:17, 875:2 group's [2] - 492:4, 801:5 groups [22] - 8:23, 23:6, 56:9, 107:6, 128:12, 128:14, 152:11, 161:12, 169:18, 169:19, 276:13, 283:16, 385:13, 503:14, 557:5, 568:7, 574:23, 575:3, 584:18, 783:25, 869:25, 870:5 grow [7] - 108:20, 375:23, 477:23, 519:3, 724:24, 726:2, 821:10 grower [1] - 474:19 growing [18] - 63:9, 76:21, 203:5, 206:17, 211:19, 216:14, 216:15, 217:9, 232:19, 416:15, 541:21, 600:6, 799:13, 821:7, 822:5, 822:22, 828:10 grown [6] - 67:18, 224:21, 605:7, 739:5, 817:11, 836:20 grows [5] - 214:9, 216:20, 224:17, 347:3, 416:3 growth [11] - 108:17, 108:19, 108:20, 165:7, 207:1, 213:13, 213:23, 214:2, 711:18,	748:15, 817:1 GRZYB [1] - 534:1 Grzyb [1] - 534:1 guarantee [13] - 77:8, 117:22, 120:8, 182:13, 269:2, 269:5, 333:8, 450:6, 450:7, 450:15, 470:12, 548:12, 726:9 guaranteed [1] - 486:1 guardian [1] - 106:10 guess [85] - 20:14, 70:5, 81:2, 90:14, 91:16, 123:8, 129:2, 143:12, 194:19, 205:24, 209:5, 215:11, 216:9, 239:6, 255:8, 273:17, 275:3, 282:12, 282:19, 292:16, 310:9, 318:4, 335:5, 358:15, 377:20, 384:2, 385:15, 386:16, 390:4, 391:1, 392:2, 396:20, 397:22, 399:20, 401:6, 414:6, 418:6, 439:24, 443:19, 445:20, 475:18, 476:2, 503:2, 540:4, 554:4, 591:9, 614:10, 617:7, 617:8, 617:15, 620:21, 623:18, 628:15, 630:23, 634:12, 652:18, 661:23, 664:22, 670:3, 700:25, 712:12, 716:15,	716:17, 723:6, 727:4, 751:7, 751:15, 753:13, 754:18, 759:20, 760:13, 760:25, 761:2, 774:14, 834:6, 837:10, 837:12, 838:10, 840:11, 863:6, 863:11, 867:20, 875:25, 878:1, 888:24 guessed [1] - 475:23 guessing [3] - 413:4, 580:15, 715:13 guidance [2] - 648:22, 785:18 guide [11] - 76:18, 122:23, 124:4, 145:11, 463:18, 490:22, 544:3, 544:10, 552:19, 650:17 guided [3] - 510:25, 552:13, 552:22 guidelines [2] - 731:9, 796:12 guiding [2] - 122:24, 553:5 guilty [1] - 568:20 gulf [1] - 415:22 Gulf [5] - 261:15, 415:23, 565:17, 565:23, 566:2 gushing [1] - 713:4 gussied [1] - 532:3 Gustave [1] - 92:24 gusts [3] - 191:9, 191:12,	191:23 gut [1] - 266:16 guy [5] - 513:23, 534:15, 613:19, 714:12, 749:7 guys [4] - 304:19, 722:12, 801:19, 802:20 guzzling [2] - 115:7, 120:9 Gwen [5] - 1:13, 155:5, 204:23, 271:25, 592:22 Gwitchin [1] - 78:24	397:12, 400:4, 400:23, 417:7, 429:5, 429:25, 456:9, 462:4, 480:5, 586:10, 719:4, 719:6, 722:6, 727:22, 728:5, 728:24, 729:7, 729:14, 729:17, 730:5, 730:10, 730:13, 730:18, 730:23, 731:6, 732:6, 732:8, 732:10, 732:18, 733:4, 733:13, 734:23, 741:8, 741:9, 741:10, 742:5, 742:7, 757:25, 758:1, 758:4, 758:5, 758:6, 758:10, 759:1, 759:5, 759:12, 759:13, 759:24, 760:8, 760:14, 760:17, 773:8, 792:7, 792:8, 793:14, 800:5, 800:13, 802:1, 803:12, 826:14, 828:22 habitats [6] - 48:18, 87:15, 389:23, 542:21, 731:25, 803:10 habits [2] - 299:13, 731:24 Hadley [1] - 406:21 Hagerstrom [7] - 253:3, 253:5, 373:12, 373:17, 413:3, 830:13, 832:19 HAGERSTR OM [9] - 253:5, 269:12, 269:18, 269:21, 270:3, 270:5, 270:10, 270:14,	271:12 hairs [1] - 508:13 Haley [2] - 545:20, 545:23 HALEY [1] - 545:23 Half [1] - 490:13 half [45] - 10:16, 18:11, 65:22, 92:2, 132:9, 132:17, 153:3, 167:14, 168:7, 198:2, 198:15, 200:20, 221:16, 221:24, 228:2, 237:13, 238:18, 250:3, 385:20, 475:5, 520:20, 541:10, 546:17, 557:1, 564:8, 566:17, 671:18, 672:6, 697:1, 697:7, 697:14, 702:3, 702:14, 702:23, 707:10, 711:15, 723:7, 744:20, 821:4, 870:16, 870:18, 870:23, 879:10, 889:4 half-mile [2] - 221:16, 672:6 halfway [3] - 260:21, 454:19, 614:7 Hall [1] - 500:9 hallmarks [1] - 77:5 Hallowell [3] - 16:20, 136:1, 136:2 hamburger [1] - 139:21 Hampden [1] - 735:11 Hampshire [12] - 142:8, 342:12, 409:15, 420:5, 496:5, 497:25,	542:4, 746:19, 748:2, 819:16, 882:20, 885:20 Hampshire' s [1] - 496:12 Hampshire/ Maine [1] - 546:7 Hancock [1] - 33:15 hand [21] - 5:5, 111:22, 136:12, 139:23, 252:5, 406:14, 508:10, 643:20, 648:17, 649:1, 664:12, 667:13, 687:13, 781:20, 783:8, 804:10, 844:13, 847:10, 857:19, 864:5, 864:10 Handbook [2] - 624:4, 624:13 handbook [3] - 478:7, 624:9, 624:10 handed [3] - 63:8, 335:8, 797:8 handful [3] - 732:23, 747:21, 790:8 handle [6] - 191:11, 304:3, 377:14, 409:12, 720:22, 773:15 handled [1] - 862:22 hands [3] - 34:8, 34:9, 378:25 handwriting [1] - 60:8 handy [1] - 628:20 hang [2] - 467:7, 490:9 hanging [2] - 40:17, 452:4 HANISCH [7]
--	---	--	--	---	---	---

<p>- 263:4, 277:21, 278:4, 278:23, 279:21, 344:6, 380:18</p> <p>Hanisch [9] - 263:4, 335:18, 335:21, 336:10, 336:12, 379:25, 380:9, 380:15, 380:16</p> <p>Hanisch's [1] - 336:2</p> <p>happenstan ce [1] - 502:13</p> <p>happiness [1] - 458:11</p> <p>happy [13] - 34:13, 82:21, 184:3, 273:24, 380:18, 409:2, 409:6, 521:11, 595:4, 595:10, 622:2, 647:8, 846:5</p> <p>Harbor [4] - 513:5, 580:15, 595:15, 737:5</p> <p>harboring [1] - 709:24</p> <p>hard [32] - 21:25, 27:12, 27:13, 36:10, 50:11, 62:17, 63:8, 63:17, 65:6, 103:12, 113:1, 115:18, 118:11, 134:5, 167:4, 215:8, 363:5, 395:19, 422:7, 422:12, 453:23, 465:15, 517:17, 517:19, 535:7, 552:12, 584:21, 628:20, 661:20, 803:16, 824:16, 834:11</p> <p>harder [5] - 102:19, 436:20, 470:9, 827:11</p> <p>hardest [2] - 625:4, 625:5</p>	<p>hardly [1] - 737:3</p> <p>hardware [1] - 94:7</p> <p>hardwood [1] - 479:9</p> <p>Hardy [3] - 38:5, 38:10, 57:11</p> <p>HARDY [1] - 38:7</p> <p>Harley [23] - 11:13, 11:14, 11:15, 11:16, 40:3, 89:25, 91:20, 129:24, 165:24, 170:18, 170:20, 183:11, 185:8, 185:23, 187:14, 308:16, 317:12, 344:16, 349:9, 349:11, 349:13, 513:14, 786:17</p> <p>harm [4] - 133:2, 556:17, 706:23, 847:21</p> <p>Harmata [1] - 398:11</p> <p>harmed [1] - 491:13</p> <p>harmful [3] - 55:6, 258:21, 523:1</p> <p>harmonious [2] - 619:13, 627:11</p> <p>harmonious ly [11] - 517:8, 517:13, 618:7, 618:10, 618:13, 618:17, 618:20, 619:6, 619:9, 891:7, 891:11</p> <p>harms [1] - 56:24</p> <p>harnessed [1] - 69:9</p> <p>harnessing [1] - 68:2</p> <p>Harnisch [1] - 404:13</p>	<p>Harpwell [2] - 444:19, 522:2</p> <p>Harriet [6] - 110:7, 463:14, 466:22, 466:23, 467:4, 560:1</p> <p>Harris [1] - 109:13</p> <p>Harry [5] - 533:25, 537:22, 538:2, 838:18, 838:20</p> <p>harsh [9] - 178:18, 179:13, 216:11, 235:8, 452:17, 476:11, 524:5, 524:20, 535:24</p> <p>Hartford [1] - 407:22</p> <p>Hartman [1] - 459:22</p> <p>Harvard [1] - 374:5</p> <p>harvest [9] - 11:21, 211:12, 266:3, 601:21, 650:5, 650:6, 739:7, 742:16, 810:18</p> <p>harvested [7] - 86:15, 128:19, 128:22, 209:1, 231:24, 232:4, 743:10</p> <p>harvesting [13] - 25:9, 118:20, 173:19, 183:23, 185:9, 185:12, 185:15, 226:14, 231:3, 328:18, 480:4, 579:12</p> <p>harvests [1] - 229:18</p> <p>Harvey [12] - 1:4, 16:17, 37:6, 41:10, 154:25, 513:8, 592:20, 727:11, 731:12, 735:7,</p>	<p>739:16, 777:2</p> <p>HARVEY [1] - 113:11</p> <p>hash [1] - 734:14</p> <p>HASKELL [3] - 73:9, 73:12, 480:23</p> <p>Haskell [2] - 73:15, 480:23</p> <p>hastily [1] - 706:18</p> <p>hat [2] - 103:12, 465:5</p> <p>hate [1] - 368:14</p> <p>hats [2] - 465:3, 465:24</p> <p>Haughton [1] - 374:5</p> <p>haul [3] - 229:21, 632:4, 766:18</p> <p>hauled [1] - 504:5</p> <p>Haven [3] - 351:24, 409:1, 421:15</p> <p>havens [1] - 94:15</p> <p>havoc [4] - 49:11, 49:16, 150:19, 783:4</p> <p>Hawaii [2] - 69:11, 200:16</p> <p>Hawthorne [1] - 32:23</p> <p>haystack [1] - 391:24</p> <p>hazard [2] - 464:14, 774:10</p> <p>hazarding [1] - 774:14</p> <p>hazardous [1] - 484:16</p> <p>haze [9] - 227:6, 405:8, 580:19, 632:24, 658:5, 658:7, 658:14, 662:11</p> <p>Head [2] - 759:21, 759:23</p> <p>head [9] - 55:6, 118:25, 309:6, 334:12, 366:12, 382:20,</p>	<p>664:20, 795:23, 873:20</p> <p>headed [3] - 68:11, 351:7, 608:25</p> <p>heading [1] - 785:9</p> <p>headlined [1] - 335:23</p> <p>heads [1] - 97:12</p> <p>headway [1] - 134:12</p> <p>health [17] - 11:5, 41:16, 41:18, 42:3, 42:17, 73:16, 152:5, 152:6, 152:7, 460:11, 495:12, 581:10, 818:8, 827:20, 828:7, 828:21</p> <p>Health [2] - 62:2, 78:21</p> <p>healthcare [2] - 152:10, 262:8</p> <p>healthier [4] - 44:11, 152:14, 450:1, 817:11</p> <p>Healthy [2] - 42:5, 882:25</p> <p>healthy [2] - 44:14, 78:4</p> <p>hear [64] - 3:17, 10:5, 14:5, 19:5, 33:6, 34:5, 34:7, 37:22, 105:23, 106:16, 110:19, 117:18, 130:7, 139:12, 144:16, 154:2, 154:4, 156:1, 163:18, 204:24, 214:20, 219:11, 219:17, 238:21, 247:22, 277:19, 293:4, 311:16, 334:20, 440:21, 442:10, 445:2,</p>	<p>491:20, 513:4, 527:17, 544:22, 593:23, 597:23, 622:16, 623:18, 634:8, 634:12, 634:13, 638:15, 647:8, 652:17, 652:19, 657:2, 720:21, 727:2, 727:4, 727:7, 737:8, 773:25, 774:4, 847:6, 851:16, 861:4, 866:6, 893:23</p> <p>heard [122] - 17:10, 17:24, 38:24, 39:9, 39:16, 43:16, 47:17, 75:22, 76:7, 79:17, 89:16, 102:4, 105:10, 106:19, 112:17, 112:19, 119:23, 122:1, 129:10, 131:1, 135:17, 220:18, 222:13, 223:5, 224:5, 224:24, 225:8, 237:4, 239:20, 249:9, 251:3, 253:21, 255:20, 262:1, 262:13, 266:12, 284:7, 313:10, 339:16, 359:9, 363:3, 363:8, 379:14, 396:25, 408:4, 447:14, 452:6, 461:17, 471:4, 472:23, 473:12, 476:10, 479:17, 509:5, 513:11, 514:13, 514:16, 520:13, 520:21, 528:24, 530:2, 530:10, 531:22, 537:10,</p>	<p>544:18, 545:24, 555:8, 555:13, 556:5, 564:9, 581:5, 582:2, 584:19, 585:12, 587:20, 598:16, 600:25, 634:16, 637:12, 641:25, 642:1, 642:14, 643:5, 648:2, 651:2, 651:11, 657:4, 665:25, 668:23, 675:20, 679:6, 683:14, 688:23, 716:3, 719:21, 724:4, 741:1, 741:11, 747:1, 747:10, 754:7, 755:17, 758:20, 770:25, 790:11, 824:24, 825:8, 825:20, 827:25, 830:10, 838:11, 839:17, 841:18, 841:22, 849:13, 850:16, 852:20, 853:17, 855:14, 857:17, 862:5, 864:22</p> <p>hearing [109] - 1:1, 1:5, 1:6, 1:24, 1:25, 2:4, 2:5, 2:7, 2:8, 2:22, 3:10, 3:12, 3:24, 4:7, 8:17, 8:18, 8:25, 9:2, 9:5, 9:6, 9:7, 9:9, 11:16, 13:1, 20:9, 25:14, 26:22, 26:24, 30:15, 33:23, 49:15, 72:21, 72:22, 84:7, 105:22, 139:16, 139:17, 151:3,</p>
--	--	---	---	--	---	--

153:24, 154:2, 154:19, 154:22, 155:2, 155:8, 155:12, 155:18, 156:21, 156:23, 157:8, 157:9, 161:6, 161:14, 161:25, 162:1, 252:20, 252:21, 257:21, 266:20, 283:12, 283:13, 359:19, 359:20, 384:3, 400:24, 407:2, 422:7, 441:17, 441:20, 446:16, 455:8, 468:2, 506:17, 512:15, 512:16, 514:2, 552:21, 554:17, 569:14, 577:4, 584:25, 592:5, 592:10, 592:13, 593:1, 593:8, 594:3, 594:4, 594:8, 595:24, 680:10, 680:11, 694:5, 723:9, 723:10, 749:6, 758:24, 776:21, 787:17, 816:5, 836:15, 864:1, 867:9, 891:22, 893:22, 894:1, 894:3	heated [3] - 62:13, 506:5, 533:9 heating [5] - 335:1, 455:12, 505:7, 541:16, 563:14 heavily [4] - 207:7, 409:16, 599:9, 610:22 heavy [10] - 27:12, 452:24, 453:15, 723:22, 763:7, 764:1, 764:2, 795:12, 824:1, 826:17 heavy-duty [1] - 764:1 heck [3] - 477:9, 479:25, 480:17 hectic [1] - 535:25 height [36] - 7:2, 159:10, 221:22, 222:6, 222:7, 223:16, 223:17, 235:5, 238:11, 240:9, 240:13, 242:20, 243:20, 244:5, 244:14, 250:3, 327:12, 384:21, 391:25, 443:8, 498:9, 596:23, 618:20, 619:22, 634:3, 634:14, 646:9, 646:11, 646:12, 659:15, 659:19, 661:25, 683:2, 703:21, 704:20 heighth [5] - 221:21, 245:15, 458:23, 602:21, 633:20 heights [1] - 646:10 held [16] - 2:4, 2:8, 7:14, 7:20, 9:5, 155:8, 155:12,	159:23, 160:5, 160:6, 161:22, 400:5, 468:12, 487:22, 593:1, 752:18 helicopter [1] - 27:18 hell [1] - 111:14 Hellie [4] - 113:16, 116:11, 533:24, 536:7 HELLIE [2] - 116:10, 536:7 Helmut [3] - 521:18, 523:15, 523:17 Hello [7] - 32:19, 78:8, 88:6, 89:21, 89:23, 103:18, 113:17 help [60] - 12:6, 12:9, 12:14, 13:3, 15:25, 55:9, 56:25, 61:12, 101:4, 101:6, 135:7, 153:10, 168:18, 196:1, 196:4, 197:24, 230:13, 239:11, 254:5, 254:14, 257:3, 259:4, 261:1, 266:2, 276:6, 277:11, 307:21, 354:21, 383:13, 385:6, 399:25, 401:20, 408:9, 448:4, 448:11, 488:14, 498:2, 504:6, 504:17, 505:1, 508:25, 515:12, 515:20, 531:2, 549:18, 551:15, 551:20, 568:1, 584:10, 590:16, 626:6, 626:12, 664:9, 671:24, 721:25, 722:3, 731:18, 737:19,	783:13, 788:10 Help [1] - 366:10 helped [6] - 22:19, 261:17, 319:15, 428:10, 565:2, 578:5 helpful [5] - 23:17, 271:10, 444:10, 757:14, 828:15 helping [9] - 34:23, 153:18, 182:5, 182:18, 551:18, 551:20, 569:7, 598:19, 612:11 helpless [2] - 65:23, 75:24 helplessness [1] - 54:19 helps [7] - 96:21, 183:4, 235:13, 276:8, 281:25, 627:14, 664:11 hemlock [1] - 102:6 Henderson [2] - 106:17, 106:23 HENDERSO [2] - 106:18, 109:16 Herald [3] - 55:25, 128:7, 416:16 Herald's [1] - 74:3 Herb [2] - 143:16, 143:18 Herbert [1] - 459:22 heretofore [1] - 706:11 heritage [9] - 64:12, 107:2, 493:10, 545:15, 596:6, 596:8, 596:10, 611:11, 612:1 Heritage [5] - 491:12, 530:21, 551:3,	727:16, 730:14 hero [1] - 426:11 herself [1] - 488:18 Hershberg [2] - 527:13, 529:13 HERSHBER [1] - 529:12 hesitant [1] - 698:25 hesitate [2] - 4:15, 149:13 Hewson [11] - 545:21, 552:2, 847:5, 848:17, 867:24, 869:20, 870:25, 874:2, 875:9, 878:12, 884:16 HEWSON [16] - 552:1, 848:17, 859:23, 860:5, 860:8, 860:12, 860:18, 861:9, 862:12, 863:7, 863:22, 866:13, 867:14, 868:2, 874:22, 877:8 Hi [9] - 73:12, 80:4, 100:11, 228:12, 307:14, 307:15, 455:7, 529:12, 534:1 hidden [2] - 452:9, 529:4 hide [1] - 668:18 hiding [1] - 215:10 hierarchy [2] - 612:2, 612:5 HIGH [4] - 401:11, 401:17, 411:9, 412:22 high [120] - 13:15, 24:5, 44:5, 46:7, 49:20, 50:22, 74:8, 74:22, 114:7, 119:19, 123:9, 124:8,	125:7, 131:15, 131:16, 137:14, 142:2, 142:3, 145:15, 146:4, 146:6, 165:13, 166:24, 166:25, 186:16, 187:19, 190:20, 191:16, 191:22, 191:23, 206:1, 211:18, 221:24, 226:1, 229:19, 235:1, 235:2, 235:11, 236:22, 237:14, 242:15, 244:8, 248:8, 303:17, 303:23, 322:11, 340:11, 384:18, 389:24, 436:21, 437:5, 437:10, 446:4, 449:19, 450:11, 456:6, 475:10, 481:12, 484:20, 488:11, 488:20, 495:1, 496:25, 497:6, 497:17, 497:23, 498:11, 500:21, 501:10, 501:13, 502:18, 519:9, 533:8, 552:11, 574:25, 581:4, 594:16, 642:10, 642:13, 648:3, 658:19, 682:19, 720:2, 720:4, 720:5, 721:15, 724:2, 725:21, 726:15, 732:8, 737:24, 740:17, 740:18, 741:1, 741:12, 742:6, 745:25, 748:17,	750:20, 765:10, 765:14, 775:18, 790:5, 793:13, 799:12, 803:2, 803:11, 826:18, 826:25, 840:15, 852:8, 852:20, 852:21, 853:14, 861:10, 865:25, 869:1, 877:13, 887:21 High [12] - 65:9, 96:14, 119:20, 401:10, 411:22, 411:24, 418:22, 419:13, 423:8, 423:10, 423:12, 868:19 high-elevation [1] - 826:18 high-risk [1] - 721:15 Higher [1] - 459:20 higher [61] - 27:11, 29:7, 49:23, 124:21, 167:23, 168:1, 171:15, 191:15, 193:3, 194:17, 204:5, 204:6, 206:24, 209:24, 210:1, 210:5, 212:20, 234:23, 237:23, 244:11, 262:17, 262:19, 338:12, 338:14, 338:15, 338:17, 340:6, 340:7, 340:18, 343:13, 381:9, 388:13, 389:24, 404:10, 404:15,
--	---	---	---	--	--	---

<p>425:12, 429:14, 436:14, 450:8, 502:21, 517:12, 537:5, 542:22, 621:23, 724:24, 734:11, 734:25, 743:6, 745:5, 751:1, 766:9, 823:23, 826:3, 827:2, 839:2, 861:18, 865:5, 865:20, 868:22, 869:2, 884:20</p> <p>highest [26] - 42:2, 105:11, 130:11, 191:9, 191:12, 237:13, 339:10, 388:14, 423:20, 428:16, 492:2, 493:9, 537:9, 581:2, 596:12, 606:15, 673:25, 674:8, 674:10, 726:13, 733:24, 734:4, 811:1, 826:24, 850:3, 852:16</p> <p>highlight [3] - 13:11, 166:1, 290:5</p> <p>highlighted [1] - 797:20</p> <p>highlights [1] - 556:1</p> <p>Highly [1] - 695:13</p> <p>highly [24] - 48:9, 138:13, 201:23, 215:2, 216:12, 216:21, 222:23, 233:21, 364:9, 487:20, 499:2, 684:8, 684:18, 686:21, 694:25, 695:7, 747:11, 750:9, 823:12, 849:5, 849:11, 854:10, 883:9</p> <p>highway [11]</p>	<p>- 497:20, 644:20, 723:14, 723:15, 744:16, 764:25, 765:2, 765:3, 779:3, 804:3</p> <p>highways [5] - 19:9, 133:10, 446:9, 499:4, 615:3</p> <p>hike [17] - 19:11, 44:1, 60:18, 61:14, 83:2, 83:4, 129:1, 226:2, 471:19, 488:10, 534:23, 547:5, 604:7, 604:8, 616:25, 776:5, 778:9</p> <p>hiked [15] - 22:16, 22:17, 58:19, 86:23, 123:14, 128:15, 472:9, 488:10, 509:5, 546:4, 546:6, 547:10, 635:19, 735:18, 747:20</p> <p>Hiker [1] - 322:9</p> <p>hiker [22] - 79:22, 122:21, 130:2, 134:2, 248:19, 472:8, 473:2, 488:18, 540:14, 542:16, 543:3, 543:6, 546:4, 547:25, 555:10, 569:1, 597:15, 616:19, 636:4, 738:23, 738:24, 747:22</p> <p>hikers [32] - 15:2, 24:8, 44:3, 45:5, 52:22, 53:3, 99:18, 169:9, 172:12, 246:10, 324:13, 472:3, 472:4, 473:11,</p>	<p>516:12, 524:11, 546:3, 546:25, 547:20, 566:25, 628:22, 685:6, 736:22, 747:25, 748:17, 776:4, 776:5, 777:18, 778:2, 803:6, 891:13</p> <p>Hikers [3] - 52:15, 53:5, 802:5</p> <p>hikes [3] - 79:22, 697:11, 777:19</p> <p>hiking [44] - 48:3, 62:10, 122:22, 128:16, 149:2, 227:9, 227:24, 246:10, 246:11, 255:12, 328:22, 471:18, 473:19, 524:2, 524:12, 534:15, 535:15, 546:12, 546:25, 547:9, 547:11, 547:20, 548:20, 597:8, 599:6, 604:5, 616:24, 617:2, 617:13, 619:18, 619:23, 621:18, 663:13, 663:14, 667:13, 677:12, 684:16, 703:7, 775:9, 889:20, 890:1, 891:6</p> <p>Hill [30] - 85:16, 85:18, 117:5, 117:8, 123:14, 123:15, 124:6, 374:3, 409:6, 413:2, 413:8, 413:10, 413:23, 422:4, 422:9, 523:5, 525:16, 582:9,</p>	<p>582:12, 582:13, 641:25, 750:3, 767:10, 767:12, 767:16, 767:19, 832:16, 844:20, 845:15</p> <p>hill [4] - 131:10, 452:12, 492:14, 669:22</p> <p>hills [3] - 527:6, 534:15, 534:24</p> <p>hillsides [1] - 623:12</p> <p>HILTON [17] - 183:10, 183:18, 183:22, 183:25, 184:5, 184:21, 204:24, 205:5, 205:18, 205:22, 207:4, 207:10, 207:18, 665:10, 665:24, 666:18, 666:22</p> <p>Hilton [5] - 1:13, 155:5, 592:22, 631:24, 705:20</p> <p>himself [3] - 480:25, 513:21, 537:25</p> <p>HINCHMAN [11] - 335:18, 335:21, 336:2, 336:11, 340:24, 341:11, 343:22, 797:5, 878:11, 883:4, 883:15</p> <p>Hinchman [1] - 336:4</p> <p>Hinchman's [1] - 335:17</p> <p>hire [7] - 15:10, 82:21, 175:17, 179:4,</p>	<p>377:11, 377:13, 378:5</p> <p>hired [4] - 246:18, 431:1, 575:19, 647:10</p> <p>hiring [2] - 253:22, 377:16</p> <p>Historic [1] - 612:3</p> <p>historic [6] - 108:23, 620:24, 682:16, 686:8, 686:17</p> <p>historical [1] - 52:23</p> <p>history [23] - 5:12, 6:4, 6:6, 7:13, 92:21, 138:25, 139:12, 156:3, 157:22, 157:24, 159:21, 164:22, 220:7, 476:12, 507:16, 508:13, 508:16, 529:15, 534:21, 685:25, 736:14, 855:3, 856:5</p> <p>hit [11] - 258:18, 384:18, 384:21, 546:14, 563:12, 655:22, 840:15, 853:12, 853:14, 853:22, 862:1</p> <p>Hm [3] - 270:5, 674:5, 674:13</p> <p>Hm-hmm [3] - 270:5, 674:5, 674:13</p> <p>hmm [3] - 270:5, 674:5, 674:13</p> <p>hobby [1] - 524:1</p> <p>Hodgkins [3] - 500:2,</p>	<p>502:25, 503:1</p> <p>HODGKINS [2] - 503:1, 505:15</p> <p>Hodgman [8] - 386:6, 387:11, 387:23, 388:3, 391:2, 391:4, 397:15, 397:18</p> <p>HODGMAN [1] - 387:11</p> <p>Hoffman [10] - 176:3, 195:1, 195:3, 195:10, 199:21, 201:5, 209:25, 307:16, 307:19, 308:6</p> <p>hold [12] - 33:4, 34:8, 84:12, 95:22, 111:22, 148:15, 218:4, 661:15, 661:19, 739:19, 822:13, 823:15</p> <p>Hold [1] - 34:9</p> <p>holder [1] - 857:25</p> <p>holding [4] - 265:2, 455:8, 468:2, 764:2</p> <p>holds [3] - 568:16, 719:18, 837:1</p> <p>hole [1] - 713:20</p> <p>holes [4] - 35:9, 215:6, 315:5, 714:5</p> <p>Holsbooth [1] - 274:23</p> <p>HOLT [9] - 356:24, 357:3, 359:17, 883:17, 883:21, 884:16, 884:18, 887:13, 888:22</p> <p>Holt [19] - 254:22, 269:13, 269:14,</p>	<p>270:21, 357:4, 583:8, 816:11, 817:24, 824:14, 829:14, 829:16, 829:18, 834:4, 842:16, 843:19, 877:16, 883:16, 883:17, 888:23</p> <p>Home [1] - 301:18</p> <p>home [53] - 19:18, 19:24, 29:21, 30:6, 30:8, 35:23, 46:3, 67:19, 69:3, 71:4, 79:1, 88:15, 91:23, 94:6, 107:19, 107:22, 108:3, 110:8, 111:10, 118:15, 125:19, 132:3, 132:4, 132:10, 132:21, 141:2, 147:25, 258:18, 271:6, 301:7, 301:16, 301:19, 302:3, 338:23, 397:1, 397:3, 397:7, 420:5, 455:12, 472:16, 492:17, 499:1, 501:7, 501:23, 534:2, 555:7, 556:2, 567:14, 591:25, 611:8, 729:1, 729:2, 817:11</p> <p>home- grown [1] - 817:11</p> <p>homeowner s [7] - 108:4, 108:14, 268:6, 268:11, 835:11, 836:4, 845:3</p> <p>homes [19] - 12:5, 35:19, 35:20, 49:6, 68:16, 108:14, 108:22, 109:6, 111:13,</p>
---	--	--	--	--	---	---

<p>111:14, 164:5, 181:10, 265:18, 268:5, 446:10, 548:19, 822:1, 822:25</p> <p>hometown [1] - 255:8</p> <p>honest [5] - 517:20, 528:15, 528:16, 678:14, 792:19</p> <p>honest-to-goodness [1] - 517:20</p> <p>honestly [4] - 473:2, 621:7, 681:25, 859:5</p> <p>honesty [4] - 31:2, 31:5, 857:10, 857:14</p> <p>honor [1] - 484:9</p> <p>honored [2] - 10:9, 681:20</p> <p>honors [1] - 466:1</p> <p>hoodwinked [3] - 49:9, 49:17</p> <p>hook [6] - 111:12, 111:18, 401:6, 537:12, 679:25, 815:9</p> <p>Hoosic [1] - 806:18</p> <p>hope [54] - 4:21, 4:22, 16:9, 18:24, 19:24, 43:9, 60:3, 60:4, 73:25, 75:20, 76:16, 79:23, 81:1, 81:3, 81:16, 81:17, 82:13, 111:22, 119:1, 124:20, 131:18, 131:19, 136:20, 137:3, 137:5, 137:15, 139:13, 252:17, 284:10, 284:19, 385:10,</p>	<p>389:19, 440:24, 441:4, 444:8, 447:25, 473:22, 477:9, 509:25, 516:8, 516:9, 523:7, 529:5, 531:11, 535:21, 549:14, 559:1, 589:1, 591:24, 735:2, 890:16</p> <p>Hope [5] - 283:22, 283:24, 284:8, 284:21, 841:8</p> <p>hoped [1] - 135:8</p> <p>hopeful [2] - 77:9, 78:4</p> <p>Hopefully [2] - 1:7, 490:16</p> <p>hopefully [11] - 16:25, 77:12, 82:14, 90:2, 96:24, 97:16, 247:22, 468:15, 559:21, 580:1, 881:15</p> <p>hopelessnes [2] - 75:25, 76:12</p> <p>hopes [3] - 104:23, 600:11, 779:14</p> <p>hoping [5] - 111:12, 239:10, 270:22, 441:8, 510:4</p> <p>horizon [3] - 68:24, 228:4, 447:15</p> <p>horizontal [7] - 225:5, 303:6, 303:9, 303:20, 306:10, 337:7, 668:10</p> <p>HORN [1] - 746:15</p> <p>Horn [30] - 328:23, 329:1, 329:3, 607:15, 607:17, 608:2, 625:11, 625:14, 625:22, 634:2, 646:11, 676:22,</p>	<p>677:12, 680:21, 681:12, 687:17, 687:20, 697:2, 700:7, 700:15, 702:7, 746:15, 751:13, 775:2, 775:4, 805:13, 812:4</p> <p>Horns [3] - 569:1, 672:15, 700:19</p> <p>Horns' [2] - 703:10, 703:14</p> <p>horrendous [1] - 53:18</p> <p>horrible [3] - 68:17, 112:10, 257:7</p> <p>hospital [2] - 500:16, 508:9</p> <p>Hospital [1] - 273:13</p> <p>hospitals [1] - 260:6</p> <p>host [4] - 43:2, 92:16, 170:2, 484:8</p> <p>hostage [1] - 468:12</p> <p>hot [6] - 22:21, 480:18, 506:5, 840:14, 853:3, 853:9</p> <p>Hot [1] - 32:25</p> <p>hotel [1] - 792:22</p> <p>hotels [4] - 94:6, 254:8, 410:7, 536:25</p> <p>hottest [3] - 20:16, 20:17</p> <p>hour [61] - 29:5, 29:7, 142:12, 144:11, 181:21, 182:2, 182:22, 265:10, 278:2, 279:2, 281:8, 335:24, 338:14, 381:19, 385:20, 402:16, 402:22, 403:1, 403:2, 403:9,</p>	<p>403:15, 403:17, 403:18, 404:1, 434:19, 435:25, 436:3, 436:10, 436:13, 437:7, 451:4, 569:24, 587:10, 587:13, 587:18, 589:20, 589:21, 604:9, 707:10, 723:8, 822:3, 839:25, 846:3, 846:12, 846:14, 852:13, 855:15, 857:11, 857:12, 864:9, 865:3, 867:21</p> <p>hour-by-hour [5] - 381:19, 402:16, 402:22, 403:9, 404:1</p> <p>hourly [2] - 403:14, 423:13</p> <p>Hours [1] - 61:3</p> <p>hours [30] - 26:22, 65:13, 255:20, 282:2, 361:16, 427:4, 427:5, 455:10, 475:5, 487:12, 507:10, 507:18, 569:24, 577:21, 587:8, 612:22, 616:18, 616:24, 617:4, 617:18, 805:2, 805:5, 805:6, 820:19, 852:3, 874:23, 880:21, 887:24</p> <p>house [18] - 31:23, 88:13, 121:2, 121:3, 124:9, 126:5, 143:3, 257:4, 467:17,</p>	<p>472:17, 480:17, 502:13, 517:5, 548:1, 556:25, 669:21, 708:7</p> <p>House [1] - 506:4</p> <p>household [1] - 835:16</p> <p>households [1] - 180:14</p> <p>housekeepi [1] - 359:24</p> <p>houses [13] - 29:12, 75:20, 76:18, 94:4, 252:2, 271:7, 271:8, 410:9, 475:20, 500:7, 507:11, 531:12</p> <p>housing [1] - 488:23</p> <p>hubs [1] - 309:8</p> <p>Hudson [1] - 91:23</p> <p>huge [24] - 30:11, 30:14, 32:3, 46:24, 47:15, 49:7, 68:21, 69:20, 82:7, 138:17, 144:6, 145:13, 194:1, 239:4, 411:7, 477:25, 514:20, 524:13, 542:2, 649:17, 650:2, 653:16, 660:10, 703:7</p> <p>Huge [1] - 30:23</p> <p>HUGO [1] - 275:19</p> <p>Hull [3] - 352:13, 445:1</p> <p>human [14] - 19:12, 30:19, 69:18, 460:12, 502:10, 502:19, 601:20, 606:14, 619:12, 619:14, 683:13, 701:17, 743:3</p> <p>humanity [3] - 70:14, 144:3,</p>	<p>463:4</p> <p>humans [2] - 750:9, 826:20</p> <p>humble [1] - 471:14</p> <p>humid [2] - 853:3, 853:9</p> <p>humidity [1] - 658:13</p> <p>hundred [12] - 41:14, 41:17, 195:6, 291:22, 473:11, 523:22, 629:22, 669:20, 724:7, 733:9, 748:4, 817:7</p> <p>Hundreds [1] - 644:16</p> <p>hundreds [6] - 69:9, 109:6, 202:17, 446:8, 713:3, 747:22</p> <p>hungry [1] - 716:21</p> <p>hunt [2] - 122:21, 128:25</p> <p>hunted [1] - 35:8</p> <p>hunting [6] - 45:7, 62:10, 71:8, 94:8, 149:2, 503:15</p> <p>Huntress [2] - 470:24, 477:6</p> <p>HUNTRESS [1] - 477:5</p> <p>Hurricane [2] - 261:13, 453:9</p> <p>hurt [2] - 130:15, 518:19</p> <p>hurts [2] - 167:21, 664:11</p> <p>husband [12] - 23:21, 82:23, 103:19, 104:14, 107:1, 125:19, 132:22, 525:15, 526:7, 526:20, 533:12, 566:12</p> <p>Hut [1] -</p>	<p>642:25</p> <p>hut [3] - 10:13, 169:6, 642:24</p> <p>HUTZLER [1] - 37:6</p> <p>Hutzler [1] - 37:7</p> <p>hybrid [2] - 135:12, 455:12</p> <p>hydric [10] - 287:11, 712:20, 712:22, 712:24, 718:3, 754:14, 756:9, 768:21, 769:2, 769:3</p> <p>Hydro [6] - 85:19, 505:16, 578:4, 591:6, 591:18, 711:24</p> <p>hydro [58] - 11:19, 59:20, 78:18, 109:13, 188:13, 281:21, 337:12, 339:19, 339:23, 340:4, 340:6, 340:20, 341:2, 342:3, 382:17, 382:21, 430:11, 430:12, 472:13, 476:17, 505:16, 505:19, 505:21, 507:24, 508:1, 518:17, 528:3, 550:15, 578:1, 578:2, 578:3, 585:14, 585:15, 585:18, 585:20, 585:21, 586:1, 586:4, 586:11, 586:13, 586:14, 586:16, 586:21, 590:16, 590:17, 591:8, 591:15,</p>
--	---	---	---	--	--	---

<p>708:25, 768:18, 771:21, 817:4, 817:21, 846:9, 852:17, 856:10, 876:10, 876:12, 877:9</p> <p>hydro- generated [1] - 586:16</p> <p>hydroelectri c [6] - 25:24, 26:4, 528:22, 852:9, 852:12, 877:12</p> <p>Hydroelectri c [1] - 358:9</p> <p>hydrogen [1] - 817:14</p> <p>hydrologic [7] - 287:10, 717:13, 720:24, 721:12, 721:14, 722:22, 773:21</p> <p>hydrologica l [2] - 485:6, 720:19</p> <p>hydrologica lly [7] - 236:1, 396:2, 720:23, 721:10, 722:16, 773:5, 774:3</p> <p>hydrology [16] - 199:9, 199:11, 203:22, 285:23, 287:12, 393:14, 395:3, 395:13, 395:14, 396:12, 718:6, 720:13, 721:22, 768:20, 768:22, 771:19</p> <p>hydros [1] - 591:12</p> <p>hypertensio n [2] - 44:6</p> <p>hypocrite [1] - 552:3</p>	<p style="text-align: center;">I</p> <p>i.e [1] - 686:19</p> <p>ice [38] - 27:9, 27:12, 27:13, 27:15, 27:19, 27:20, 27:21, 28:5, 28:9, 28:11, 28:14, 28:15, 28:20, 29:3, 50:20, 50:22, 56:22, 102:17, 102:19, 126:7, 177:12, 177:14, 449:8, 452:5, 478:22, 541:19, 562:16, 565:4, 565:5, 565:6, 565:9, 565:10, 565:11, 565:14, 604:17, 655:23, 799:14</p> <p>Ice [2] - 28:3, 28:6</p> <p>ice-out [1] - 799:14</p> <p>ice-outs [1] - 541:19</p> <p>icing [11] - 177:8, 177:9, 177:15, 449:20, 851:6, 851:10, 851:14, 862:6, 862:17, 862:19, 862:21</p> <p>icon [1] - 488:7</p> <p>iconic [1] - 745:1</p> <p>idea [24] - 25:11, 39:11, 133:1, 142:15, 146:25, 242:24, 306:7, 395:23, 431:19, 454:4, 491:11, 550:25, 559:20, 596:1, 617:9, 656:14, 696:15, 710:14,</p>	<p>717:15, 744:1, 766:17, 767:17, 767:21, 786:19</p> <p>ideal [1] - 658:23</p> <p>ideally [1] - 433:11</p> <p>Ideally [1] - 346:25</p> <p>ideas [3] - 203:15, 596:1, 629:9</p> <p>identical [1] - 799:7</p> <p>identificatio n [1] - 226:21</p> <p>identified [25] - 160:20, 259:20, 285:22, 288:9, 289:6, 289:11, 293:15, 299:21, 324:14, 369:21, 370:4, 395:6, 395:16, 494:19, 495:16, 495:25, 635:7, 664:7, 686:5, 740:23, 744:8, 750:14, 754:24, 758:17, 863:1</p> <p>identify [17] - 202:20, 288:14, 293:9, 352:9, 387:20, 396:2, 416:11, 491:25, 573:12, 603:24, 609:2, 638:10, 647:22, 730:5, 740:17, 754:9, 862:25</p> <p>identifying [4] - 286:21, 395:4, 395:24, 798:18</p> <p>identity [1] - 447:12</p> <p>IDPM [1] - 583:3</p> <p>IEPM [4] - 356:23, 820:7, 820:11, 883:16</p>	<p>IEPN [1] - 839:14</p> <p>IF [12] - 234:15, 297:19, 302:17, 303:7, 317:3, 386:4, 387:20, 387:25, 729:3, 729:5, 730:8, 731:1</p> <p>ignorance [1] - 460:14</p> <p>ignore [2] - 120:20, 827:12</p> <p>ignores [1] - 495:15</p> <p>ignoring [1] - 246:13</p> <p>Ignoring [1] - 339:21</p> <p>Il [1] - 38:16</p> <p>Illinois [2] - 153:13, 490:1</p> <p>illustrate [1] - 745:12</p> <p>illustrates [2] - 406:25, 687:15</p> <p>illustration [3] - 327:19, 658:11, 687:25</p> <p>illustrations [3] - 327:6, 327:7, 684:24</p> <p>illustrative [1] - 718:11</p> <p>image [13] - 347:1, 347:19, 430:1, 606:2, 606:3, 607:22, 638:11, 658:22, 661:5, 662:21, 662:22, 672:23, 742:15</p> <p>images [20] - 346:24, 605:18, 605:24, 606:6, 606:7, 606:10, 606:18, 607:17, 608:4, 608:7, 608:10, 608:15, 608:17, 608:19,</p>	<p>638:10, 638:12, 660:23, 662:12, 687:5, 687:9</p> <p>imaginary [2] - 231:18, 742:14</p> <p>imagine [8] - 24:5, 24:6, 24:10, 124:15, 453:3, 469:24, 655:25, 877:12</p> <p>Imagine [1] - 109:5</p> <p>imbalance [1] - 27:22</p> <p>immeasurab ly [1] - 497:8</p> <p>immediate [8] - 18:3, 130:12, 178:25, 221:16, 348:7, 652:17, 656:25, 824:6</p> <p>immediately [7] - 30:21, 217:4, 217:7, 218:11, 548:9, 695:5, 695:13</p> <p>immensely [1] - 132:11</p> <p>immersed [1] - 150:9</p> <p>impact [230] - 7:12, 14:4, 14:11, 14:12, 19:1, 19:13, 28:20, 30:23, 30:25, 31:5, 64:3, 66:4, 69:6, 72:12, 86:12, 87:14, 92:8, 100:3, 125:3, 130:21, 138:17, 138:18, 151:5, 159:20, 171:5, 173:4, 173:15, 173:21, 174:4, 174:6, 174:8, 176:15, 179:16, 199:19, 199:23, 203:21, 204:19, 208:25,</p>	<p>215:23, 219:9, 219:10, 220:7, 220:13, 222:17, 224:9, 228:5, 228:24, 233:24, 236:5, 239:23, 246:21, 251:1, 254:23, 259:18, 261:1, 291:5, 291:13, 293:25, 294:2, 296:19, 311:24, 312:7, 316:23, 316:25, 317:15, 323:8, 324:24, 325:25, 337:24, 345:13, 347:11, 347:16, 348:1, 348:5, 348:10, 348:13, 348:17, 348:21, 348:24, 356:6, 356:12, 356:16, 374:17, 376:8, 390:24, 406:6, 413:20, 413:25, 415:12, 416:6, 423:1, 428:1, 428:5, 429:4, 429:5, 429:6, 429:21, 431:24, 443:17, 446:1, 448:1, 450:1, 461:7, 469:8, 471:15, 472:1, 481:18, 482:1, 485:6, 489:12, 498:15, 511:3, 511:9, 511:10, 511:18, 511:22, 512:1, 522:1, 525:25, 527:9, 527:10, 529:2, 532:2, 532:3, 548:21, 550:5, 550:6, 550:23, 553:23, 564:9, 564:14, 565:2, 565:15, 565:16, 566:24,</p>	<p>567:18, 568:19, 575:23, 576:6, 576:13, 576:19, 577:24, 581:9, 581:18, 582:2, 597:7, 597:13, 598:2, 600:21, 600:23, 602:11, 608:14, 610:4, 616:5, 616:11, 617:20, 618:9, 627:22, 631:6, 633:9, 635:3, 646:1, 647:16, 649:3, 650:14, 650:18, 651:12, 654:11, 654:13, 654:16, 663:13, 670:17, 670:18, 671:23, 673:9, 673:13, 673:20, 676:6, 676:12, 678:8, 681:7, 683:9, 705:17, 709:19, 712:2, 719:10, 724:2, 724:23, 728:11, 728:23, 731:22, 734:12, 735:14, 736:13, 736:17, 736:21, 737:18, 737:19, 744:2, 745:6, 762:7, 766:8, 770:23, 771:4, 774:6, 774:19, 784:11, 789:2, 790:21, 793:14, 814:14, 824:15, 824:18, 828:18, 828:23, 830:23, 831:15, 832:13, 833:14,</p>
---	---	---	--	---	---	---

<p>833:20, 835:13, 835:17, 838:12, 870:17, 873:24, 873:25, 875:18, 888:16</p> <p>Impact [4] - 415:18, 654:19, 676:2, 875:14</p> <p>impacted [7] - 86:18, 231:6, 231:10, 544:9, 568:23, 743:3, 799:25</p> <p>impacting [2] - 230:22, 784:9</p> <p>Impacts [1] - 802:25</p> <p>impacts [143] - 13:24, 29:18, 78:14, 79:9, 87:8, 87:9, 136:7, 147:19, 171:4, 171:6, 172:22, 173:14, 196:18, 196:21, 196:23, 197:8, 197:25, 202:4, 214:12, 220:19, 228:6, 232:13, 235:17, 236:8, 236:18, 237:1, 244:20, 265:21, 265:22, 266:6, 285:12, 300:13, 317:5, 317:7, 318:2, 319:2, 344:24, 345:2, 345:5, 349:2, 350:20, 354:12, 355:19, 356:2, 356:14, 389:20, 393:1, 393:2, 406:12, 414:19, 414:21, 414:23, 417:6, 417:11, 428:3, 428:12, 429:6, 440:14, 462:1,</p>	<p>462:4, 486:4, 507:23, 508:3, 508:4, 508:15, 509:9, 511:13, 511:19, 518:11, 519:6, 544:18, 566:1, 577:12, 601:8, 610:15, 624:14, 626:20, 627:5, 636:13, 637:16, 645:16, 646:13, 646:15, 648:7, 650:1, 655:12, 663:4, 669:7, 676:2, 677:4, 680:19, 682:6, 682:20, 683:24, 683:25, 686:14, 686:18, 687:2, 693:7, 695:12, 695:14, 703:4, 705:13, 711:3, 727:14, 732:17, 743:6, 743:13, 743:14, 743:16, 747:19, 748:11, 774:16, 781:10, 784:13, 785:1, 785:3, 785:5, 789:11, 798:2, 799:6, 801:6, 801:19, 803:4, 811:23, 811:25, 812:1, 825:22, 825:25, 827:4, 827:6, 827:7, 827:9, 827:10, 827:18, 831:1, 835:6, 841:16, 847:20, 849:8, 854:7, 874:16</p> <p>impair [1] - 826:5</p> <p>impaired [1] - 230:8</p> <p>impairs [2] - 167:18, 580:20</p> <p>impediment [1] - 365:12</p>	<p>impenetrabl e [1] - 327:23</p> <p>imperative [2] - 410:23, 427:7</p> <p>imperatives [1] - 27:25</p> <p>imperfect [1] - 105:16</p> <p>impermeabl e [3] - 717:19, 772:21</p> <p>Impermeabl e [1] - 772:21</p> <p>implement [1] - 528:15</p> <p>implemente d [1] - 867:15</p> <p>implementi ng [1] - 872:5</p> <p>implicated [1] - 826:18</p> <p>implication [5] - 445:15, 716:4, 746:5, 764:18, 859:7</p> <p>implications [1] - 754:16</p> <p>implicit [1] - 422:23</p> <p>implied [1] - 415:6</p> <p>implies [6] - 30:16, 54:21, 66:6, 511:12, 511:13, 737:3</p> <p>implore [2] - 82:6, 482:14</p> <p>imply [1] - 726:18</p> <p>importance [11] - 102:9, 137:13, 137:16, 167:4, 397:22, 397:24, 405:1, 495:21, 686:9, 744:17, 836:15</p> <p>important [122] - 3:19, 14:14, 15:1, 15:14, 17:16, 21:9, 65:25, 78:19, 88:22, 94:2, 95:23, 97:5, 97:6, 97:12, 98:8, 101:24, 103:10,</p>	<p>121:19, 127:12, 129:8, 136:8, 137:8, 138:18, 151:1, 156:20, 166:23, 167:11, 168:10, 168:22, 169:1, 170:10, 182:4, 198:16, 227:19, 255:9, 258:3, 258:11, 276:18, 286:13, 289:18, 304:13, 306:18, 331:16, 345:24, 372:2, 373:25, 375:22, 382:5, 388:15, 402:8, 402:9, 410:19, 411:12, 418:12, 428:25, 445:18, 447:13, 448:2, 458:8, 460:2, 471:7, 510:23, 512:2, 514:23, 522:23, 526:15, 541:1, 548:22, 586:19, 598:18, 621:21, 647:23, 656:13, 657:16, 657:21, 657:25, 658:17, 660:19, 663:5, 664:12, 664:15, 665:9, 669:2, 671:24, 673:7, 678:16, 681:19, 683:9, 683:22, 684:4, 684:10, 694:24, 694:25, 695:19, 695:22, 696:14, 696:15, 699:2, 699:9, 700:13, 703:25, 722:9, 730:12, 732:2,</p>	<p>736:5, 736:16, 739:23, 741:9, 791:3, 808:10, 823:17, 829:1, 830:6, 836:14, 836:17, 844:17, 845:19, 850:20, 850:22, 850:25, 859:13</p> <p>Importantly [1] - 172:16</p> <p>importantly [6] - 12:9, 18:17, 224:3, 289:25, 544:19, 840:22</p> <p>importer [1] - 263:12</p> <p>imports [1] - 824:2</p> <p>imports/ exports [1] - 851:16</p> <p>impose [1] - 107:14</p> <p>imposed [1] - 738:16</p> <p>impossible [5] - 68:13, 130:18, 684:22, 714:2, 721:20</p> <p>impress [2] - 31:12, 460:1</p> <p>impressed [1] - 133:23</p> <p>impression [3] - 628:15, 638:14, 747:22</p> <p>impression s [1] - 128:17</p> <p>impromptu [1] - 422:11</p> <p>improve [6] - 199:18, 480:7, 480:8, 567:21, 568:1, 571:17</p> <p>improveme nt [1] - 790:20</p> <p>Improveme nt [1] - 529:14</p> <p>improveme nts [1] - 76:24</p> <p>improving [1] - 874:14</p>	<p>in-depth [3] - 203:10, 417:9, 462:1</p> <p>in-state [1] - 821:14</p> <p>inaccurate [2] - 425:6, 425:21</p> <p>inadequate [1] - 720:18</p> <p>inappropriat e [7] - 45:2, 454:4, 455:23, 488:24, 489:17, 535:20, 726:20</p> <p>inappropriat ely [1] - 809:22</p> <p>inaudible [2] - 362:10, 368:1</p> <p>inaudible [1] - 658:5</p> <p>inauspiciou s [1] - 52:10</p> <p>Inc [1] - 817:24</p> <p>incandesc nt [1] - 804:16</p> <p>incentive [8] - 182:8, 182:17, 182:19, 437:19, 440:8, 588:5, 588:12, 866:19</p> <p>incentives [17] - 20:24, 98:22, 136:23, 137:1, 137:4, 137:5, 181:15, 181:17, 182:1, 182:4, 405:22, 528:17, 539:17, 819:19, 855:13</p> <p>inception [1] - 817:6</p> <p>inch [12] - 221:24, 222:7, 250:3, 312:10, 710:13, 735:21, 738:4, 764:15, 764:23, 769:4</p> <p>inch-by- inch [2] - 710:13, 769:4</p>	<p>inches [6] - 221:21, 222:6, 606:7, 606:8, 724:22, 726:14</p> <p>incidence [1] - 152:12</p> <p>Incidentally [2] - 33:13, 33:19</p> <p>inclined [1] - 225:13</p> <p>include [54] - 2:15, 2:20, 6:20, 6:22, 12:16, 52:6, 52:15, 87:18, 158:20, 159:5, 165:15, 168:23, 183:25, 186:2, 197:20, 198:24, 202:11, 213:7, 214:14, 253:16, 253:19, 253:25, 254:19, 262:5, 292:3, 305:8, 399:1, 414:22, 419:16, 430:4, 438:1, 442:25, 443:3, 475:18, 570:15, 571:16, 579:11, 583:17, 583:23, 584:1, 584:3, 584:10, 607:17, 620:23, 682:23, 744:11, 799:11, 810:16, 811:9, 813:20, 818:19, 825:6, 844:2, 873:2</p> <p>included [19] - 40:1, 197:8, 197:22, 199:3, 199:4, 251:11, 314:16, 343:8, 343:9, 344:2, 353:10, 358:13, 456:24, 487:19, 491:12,</p>
---	---	---	--	--	--	--

<p>495:22, 812:13, 812:20, 844:6 Included [1] - 43:7 includes [15] - 13:20, 87:14, 135:4, 231:3, 292:13, 431:13, 437:3, 474:23, 485:5, 496:12, 523:4, 599:23, 655:5, 675:17, 740:11 Including [1] - 635:14 including [77] - 7:10, 9:2, 14:2, 15:3, 15:11, 18:8, 23:23, 42:21, 43:14, 74:13, 74:14, 85:18, 93:10, 151:6, 152:6, 159:18, 161:16, 164:8, 167:19, 175:1, 176:9, 179:13, 190:18, 191:9, 195:14, 195:17, 195:19, 205:3, 234:7, 235:14, 280:8, 291:25, 312:4, 332:2, 350:9, 371:23, 371:24, 372:16, 376:15, 378:11, 380:12, 402:11, 405:7, 405:19, 424:14, 431:25, 443:16, 450:9, 452:19, 475:2, 493:1, 497:2, 498:8, 518:9, 541:16, 542:9, 576:2, 579:13, 588:23, 588:24, 601:19, 644:20, 681:12, 685:17, 722:23, 741:4, 747:3, 759:8, 761:16,</p>	<p>795:12, 809:19, 812:13, 817:7, 818:17, 825:9, 825:23, 826:14 inclusion [3] - 438:17, 495:6, 562:25 income [7] - 281:14, 281:24, 281:25, 433:24, 456:23, 551:1 incomparab ly [1] - 493:24 incompatibl e [1] - 740:3 inconceivab le [1] - 138:12 incongruou s [3] - 652:22, 653:5, 665:9 inconsisten t [2] - 740:4, 828:13 inconvenien ce [1] - 508:14 Inconvenien t [2] - 256:2, 256:5 inconvenien t [5] - 20:19, 56:3, 256:5, 256:6, 267:11 incorporate [2] - 168:1, 645:13 Incorporate d [2] - 816:11, 816:12 incorporate d [2] - 203:15, 620:11 incorporatin g [3] - 93:5, 209:12, 645:9 incorrect [2] - 305:6, 383:7 incorrectly [1] - 615:14 increase [37] - 42:18, 66:11, 108:24, 130:20, 134:11, 146:11, 168:2, 172:24, 261:15,</p>	<p>270:18, 338:8, 350:25, 371:14, 396:13, 415:11, 524:10, 528:13, 541:9, 541:16, 541:25, 564:11, 565:22, 571:8, 571:9, 571:18, 572:3, 573:24, 573:25, 577:15, 586:8, 588:6, 710:8, 724:23, 794:2, 842:21, 853:1 Increase [1] - 577:16 increased [18] - 42:20, 87:18, 338:5, 415:25, 416:8, 452:18, 452:19, 472:13, 481:18, 500:12, 528:21, 541:3, 541:4, 557:13, 799:13, 818:12, 825:7, 880:24 increases [4] - 66:3, 66:14, 104:21, 541:18 increasing [15] - 16:1, 53:17, 54:16, 64:22, 66:4, 120:12, 414:24, 452:14, 459:18, 476:6, 578:6, 818:21, 836:21, 843:5, 854:1 Increasingly [1] - 835:6 increasingly [2] - 459:19, 828:11 incredible [6] - 66:7, 465:15, 586:11, 611:9, 670:18, 744:2 incredibly [2] - 526:25,</p>	<p>693:18 incremental [3] - 848:14, 856:16, 881:23 incrustation [2] - 27:12, 27:15 incumbent [2] - 407:11, 772:6 incursion [1] - 232:1 incursions [1] - 535:24 Indeed [5] - 86:14, 86:21, 87:13, 96:4, 399:23 indeed [16] - 37:16, 57:1, 72:6, 76:2, 85:2, 86:12, 87:6, 144:2, 421:6, 486:17, 511:20, 522:8, 722:20, 868:24, 869:5, 870:12 indelibly [2] - 56:19, 226:1 Independent ce [1] - 874:11 independen ce [14] - 59:11, 468:7, 468:10, 468:11, 469:14, 470:1, 470:11, 470:12, 507:22, 509:2, 510:15, 520:15, 818:20, 829:2 Independent t [6] - 259:14, 357:7, 583:6, 816:9, 817:16, 819:23 independen t [20] - 62:18, 64:10, 77:1, 77:12, 89:14, 129:16, 236:23, 246:17, 247:21, 357:4, 364:25, 365:6, 404:11, 431:1, 450:3, 638:8,</p>	<p>647:10, 824:10, 831:9, 885:22 independen tly [1] - 412:9 India [2] - 58:11, 481:14 Indian [1] - 92:1 Indiana [1] - 501:6 Indians [1] - 119:17 indicate [4] - 14:10, 55:20, 271:1, 758:6 indicated [24] - 3:3, 127:21, 146:14, 182:4, 211:24, 234:17, 234:21, 246:5, 276:20, 280:17, 335:9, 389:5, 604:13, 605:18, 664:24, 672:22, 700:11, 701:16, 784:2, 785:11, 798:24, 841:3, 861:6, 871:4 indicates [17] - 124:7, 170:3, 189:8, 236:15, 270:13, 379:4, 439:25, 607:14, 671:17, 674:5, 674:13, 729:12, 733:19, 750:25, 790:24, 815:1, 875:20 Indicates [3] - 238:20, 638:19, 676:17 indicates [1] - 715:18 indicating [5] - 233:3, 242:9, 243:3, 373:20, 737:15 indication [2] - 70:21, 762:18 indicative [1]</p>	<p>- 749:1 indicators [1] - 791:3 indigenous [2] - 325:8, 819:6 indignity [1] - 112:10 indirect [2] - 87:14, 825:24 indirectly [1] - 363:3 individual [27] - 3:11, 8:15, 65:23, 80:9, 100:19, 156:22, 266:17, 397:7, 410:17, 439:5, 439:10, 488:8, 528:17, 576:6, 587:7, 610:6, 633:4, 648:20, 653:24, 681:11, 696:18, 752:6, 752:14, 763:20, 815:24, 830:5, 873:15 individuals [8] - 56:13, 107:6, 127:21, 447:19, 455:15, 727:24, 732:24, 833:24 indoor [1] - 67:23 indulge [1] - 31:15 indulgence [1] - 385:8 indulging [1] - 804:5 industrial [22] - 37:19, 37:24, 48:6, 150:5, 229:18, 260:6, 262:8, 489:7, 497:6, 497:10, 498:23, 499:2, 518:14, 524:8, 545:10, 556:14, 616:14, 657:6, 665:21, 665:22,</p>	<p>668:24, 668:25 industrial- scale [1] - 229:18 industrialize d [1] - 535:24 industrializi ng [1] - 151:24 Industries [1] - 494:16 industries [5] - 107:20, 108:4, 494:14, 494:21, 496:15 industry [30] - 12:13, 15:25, 18:12, 18:13, 50:8, 55:13, 99:3, 99:15, 108:2, 165:12, 236:9, 254:9, 255:10, 255:14, 257:17, 276:13, 334:6, 358:25, 359:2, 444:22, 464:1, 475:3, 479:22, 503:20, 505:10, 536:4, 639:20, 817:19, 844:17, 844:18 ineffective [2] - 75:24, 451:5 inevitable [2] - 478:2, 691:4 inevitably [2] - 54:20, 691:9 inference [2] - 337:11, 383:7 inferior [1] - 501:17 infinite [1] - 112:2 inflated [1] - 381:15 influence [3] - 388:15, 431:20, 753:4 influenced [2] - 72:15, 697:22 informally [1] - 481:3</p>
--	---	--	---	---	--	---

<p>information [69] - 31:18, 53:12, 162:4, 162:5, 162:12, 162:15, 208:22, 239:9, 242:14, 249:2, 270:20, 270:24, 271:18, 285:19, 313:11, 313:21, 331:5, 331:17, 363:6, 363:18, 363:21, 364:22, 365:10, 365:21, 367:1, 380:24, 397:4, 400:14, 400:17, 401:18, 419:2, 431:22, 433:14, 433:16, 436:16, 436:17, 437:15, 442:3, 442:4, 456:24, 521:4, 539:25, 578:9, 606:1, 612:9, 627:20, 628:13, 646:10, 650:25, 714:22, 730:9, 733:16, 745:11, 747:17, 782:6, 782:7, 782:8, 783:24, 792:3, 801:25, 802:1, 830:12, 844:22, 850:8, 850:15, 863:9, 863:17, 876:1</p> <p>Information [1] - 476:15</p> <p>informative [2] - 16:9, 154:14</p> <p>informed [3] - 486:4, 634:3, 723:2</p> <p>infrastructure [7] - 78:3, 174:4, 223:19, 482:10, 558:10,</p>	<p>562:23, 750:8</p> <p>ingenuity [1] - 77:5</p> <p>inhabit [1] - 241:18</p> <p>inhabitants [2] - 69:21, 130:13</p> <p>inhabited [1] - 732:25</p> <p>inherent [1] - 449:21</p> <p>inheritance [2] - 130:25, 131:4</p> <p>inhospitable [1] - 800:9</p> <p>initial [8] - 93:1, 348:1, 365:18, 391:16, 413:19, 454:2, 788:23, 799:10</p> <p>initiate [1] - 491:15</p> <p>initiated [2] - 731:18, 784:24</p> <p>initiative [1] - 277:12</p> <p>Initiative [3] - 858:18, 872:6, 882:10</p> <p>initiatives [6] - 402:2, 482:18, 819:20, 856:11, 883:1</p> <p>Inland [6] - 160:4, 387:9, 387:12, 387:14, 387:16, 774:15</p> <p>inland [4] - 37:20, 234:19, 445:9, 500:22</p> <p>inlet [1] - 198:25</p> <p>innovation [1] - 77:5</p> <p>input [7] - 203:15, 316:20, 434:5, 633:20, 785:25, 786:9, 786:12</p> <p>insect [9] - 235:12,</p>	<p>303:12, 303:15, 306:6, 306:7, 306:15, 756:17, 783:2</p> <p>insects [11] - 57:18, 102:4, 244:3, 303:19, 306:17, 306:18, 307:2, 399:10, 399:12, 803:2, 826:8</p> <p>insecurity [1] - 874:15</p> <p>insertion [1] - 812:8</p> <p>inside [3] - 10:6, 516:7, 753:1</p> <p>insight [1] - 670:11</p> <p>insightful [1] - 504:19</p> <p>insights [1] - 890:17</p> <p>insignificant [2] - 479:18, 507:21</p> <p>insignificantly [1] - 93:4</p> <p>insisting [1] - 267:19</p> <p>inspection [2] - 376:17, 376:19</p> <p>inspections [1] - 376:16</p> <p>inspiration [3] - 24:2, 462:24, 463:8</p> <p>inspiring [3] - 53:4, 460:7, 555:24</p> <p>instability [2] - 59:12, 424:9</p> <p>install [2] - 94:25, 691:5</p> <p>installation [9] - 37:19, 37:24, 204:25, 250:9, 254:24, 368:20, 528:18, 534:19, 572:2</p> <p>installations [3] - 249:11, 249:15, 465:12</p> <p>installed [11] - 12:19,</p>	<p>176:21, 189:1, 194:12, 375:1, 439:12, 455:4, 555:17, 587:25, 832:9, 885:5</p> <p>installers [1] - 544:14</p> <p>instance [10] - 189:13, 272:22, 359:7, 359:9, 458:21, 625:10, 658:6, 754:24, 786:7, 881:4</p> <p>instances [6] - 188:12, 212:25, 249:24, 460:4, 463:3, 712:1</p> <p>instant [1] - 873:4</p> <p>instantaneous [2] - 434:23, 588:23</p> <p>instantaneously [1] - 338:24</p> <p>Instead [4] - 105:22, 166:9, 371:3, 800:10</p> <p>instead [11] - 105:22, 106:10, 120:7, 268:25, 479:10, 520:5, 639:5, 671:20, 695:20, 747:21, 866:19</p> <p>instill [2] - 97:16, 552:20</p> <p>Institute [10] - 43:5, 374:3, 409:6, 413:9, 413:10, 413:23, 483:13, 562:5, 793:3, 845:8</p> <p>Institute's [1] - 826:21</p> <p>institutional [2] - 180:24, 836:23</p> <p>institutions [6] - 818:3, 823:14, 835:11, 835:20, 837:4, 837:8</p>	<p>instructions [1] - 431:21</p> <p>instructive [1] - 92:25</p> <p>insufficient [2] - 166:14, 764:19</p> <p>insulated [1] - 500:10</p> <p>insulation [1] - 500:9</p> <p>insult [3] - 48:16, 462:18, 815:10</p> <p>insulting [1] - 415:3</p> <p>insurance [1] - 464:16</p> <p>insure [2] - 176:14, 199:18</p> <p>intact [3] - 199:11, 296:6, 686:22</p> <p>intangible [1] - 629:8</p> <p>integral [1] - 741:24</p> <p>integration [1] - 357:16</p> <p>integrity [4] - 271:13, 460:2, 498:3, 575:18</p> <p>intelligence [1] - 104:12</p> <p>intelligent [1] - 95:16</p> <p>intelligently [1] - 271:21</p> <p>intend [8] - 148:15, 190:19, 198:9, 208:20, 209:11, 281:15, 377:6, 521:16</p> <p>intended [13] - 198:4, 284:18, 360:13, 409:3, 421:16, 449:14, 449:17, 584:6, 584:8, 676:22, 724:12, 745:24, 745:25</p> <p>intending [2] - 786:15, 830:17</p>	<p>intends [1] - 284:14</p> <p>intense [2] - 466:1, 535:8</p> <p>intensity [1] - 314:11</p> <p>intensive [3] - 461:1, 587:24, 730:15</p> <p>intent [8] - 285:15, 522:15, 649:7, 651:8, 665:6, 746:8, 858:19, 882:11</p> <p>intention [1] - 494:25</p> <p>interactive [1] - 590:6</p> <p>interagency [1] - 597:19</p> <p>intercept [1] - 721:1</p> <p>intercepted [1] - 395:21</p> <p>intercepting [2] - 210:6, 717:18</p> <p>interception [1] - 717:17</p> <p>interchange [1] - 409:15</p> <p>interconnect [2] - 258:5, 258:10</p> <p>interconnecting [2] - 258:8, 369:18</p> <p>interconnection [4] - 259:17, 259:21, 369:22, 370:10</p> <p>interest [34] - 3:10, 72:7, 108:22, 134:18, 144:1, 156:21, 197:12, 219:21, 267:23, 268:3, 273:22, 273:24, 274:3, 280:12, 297:1, 344:8, 382:25, 383:1, 468:3, 491:15, 518:5, 523:20,</p>	<p>578:25, 580:4, 581:21, 600:4, 736:22, 803:1, 808:3, 826:1, 829:21, 866:11, 869:25, 890:13</p> <p>interested [22] - 8:10, 43:3, 51:14, 153:18, 160:16, 160:20, 225:23, 254:12, 273:17, 273:19, 303:1, 324:18, 440:21, 444:24, 494:23, 503:18, 521:6, 525:12, 557:20, 562:14, 636:16, 672:13</p> <p>Interesting [1] - 738:9</p> <p>interesting [17] - 30:18, 128:3, 169:8, 170:8, 222:8, 223:4, 266:18, 295:18, 327:9, 350:17, 406:8, 440:23, 652:10, 659:16, 664:21, 718:21, 833:1</p> <p>Interestingly [1] - 802:15</p> <p>interests [6] - 80:12, 95:6, 484:23, 523:23, 741:12, 741:15</p> <p>interface [1] - 257:16</p> <p>interfaces [1] - 178:22</p> <p>Interfaith [13] - 357:6, 583:7, 816:11, 816:25, 820:17, 820:22, 823:2,</p>
--	---	--	---	--	---	--

<p>825:25, 837:11, 837:17, 837:21, 838:21, 868:20</p> <p>interference [1] - 228:8</p> <p>interfering [1] - 890:8</p> <p>interim [3] - 207:4, 556:24, 594:5</p> <p>Interior [2] - 641:9, 641:12</p> <p>interior [3] - 105:19, 233:1, 421:1</p> <p>interloper [1] - 21:12</p> <p>intermittent [5] - 294:9, 588:24, 589:11, 604:1, 604:14</p> <p>internal [2] - 56:16, 332:2</p> <p>internally [1] - 276:11</p> <p>Internationa l [4] - 641:21, 642:2, 642:4, 642:6</p> <p>internationa l [2] - 540:18, 543:10</p> <p>Internet [3] - 548:3, 707:4, 707:6</p> <p>interpret [3] - 188:4, 648:23, 649:7</p> <p>interpretatio n [3] - 669:1, 693:25, 875:18</p> <p>interpreting [2] - 654:17, 657:18</p> <p>interrelated [1] - 66:12</p> <p>interrupt [8] - 220:25, 287:17, 294:11, 311:25, 333:19, 498:16, 664:25, 775:20</p>	<p>Interrupted [1] - 63:12</p> <p>interruption s [1] - 824:3</p> <p>intersect [1] - 290:23</p> <p>intersection [1] - 166:23</p> <p>Interstate [1] - 867:2</p> <p>interstate [1] - 527:5</p> <p>intertwine [1] - 218:9</p> <p>intervene [1] - 808:1</p> <p>intervening [1] - 80:7</p> <p>intervenor [21] - 8:20, 126:24, 126:25, 161:9, 235:22, 238:24, 283:15, 283:17, 283:24, 284:5, 293:11, 315:22, 344:13, 356:23, 487:6, 487:8, 487:9, 595:2, 814:17, 889:2</p> <p>intervenor's [1] - 245:10</p> <p>Intervenor [1] - 9:7</p> <p>intervenor [30] - 154:4, 155:19, 156:8, 156:13, 161:20, 161:24, 162:9, 223:5, 235:24, 239:11, 282:16, 335:15, 335:16, 343:25, 385:4, 385:25, 419:8, 440:22, 440:24, 441:13, 570:22, 592:2, 593:9, 709:4, 711:23, 815:22, 862:14, 863:12,</p>	<p>891:18, 892:23</p> <p>intervention [1] - 464:15</p> <p>interviewed [2] - 831:25, 833:14</p> <p>intrinsic [1] - 207:9</p> <p>intrinsically [1] - 25:23</p> <p>introduce [5] - 5:16, 155:3, 156:14, 219:25, 356:25</p> <p>introduced [2] - 1:17, 651:12</p> <p>introducing [2] - 206:20, 358:25</p> <p>introduction [4] - 174:18, 358:24, 652:4, 739:11</p> <p>intrude [2] - 343:24, 497:7</p> <p>intruding [1] - 622:8</p> <p>intrusion [2] - 51:25, 622:21</p> <p>intrusions [2] - 52:23, 668:24</p> <p>inundated [1] - 148:1</p> <p>invalid [1] - 306:16</p> <p>invalidates [1] - 845:18</p> <p>invasive [1] - 206:20</p> <p>invented [2] - 449:1, 449:2</p> <p>inventive [1] - 83:24</p> <p>inventor [1] - 449:1</p> <p>inventoried [3] - 601:12, 602:23, 603:5</p> <p>inventory [8] - 226:13, 227:13, 321:24, 601:7, 626:20, 627:5, 630:12, 645:13</p>	<p>inventoryin g [1] - 624:13</p> <p>invest [5] - 332:4, 571:3, 831:2, 861:22</p> <p>invested [6] - 63:9, 70:2, 82:4, 599:9, 622:4, 862:3</p> <p>investigated [2] - 213:6, 235:21</p> <p>investigatio n [3] - 220:13, 485:12, 774:22</p> <p>investment [12] - 42:22, 108:23, 254:2, 363:22, 413:24, 446:24, 446:25, 488:1, 489:23, 490:3, 744:22, 848:4</p> <p>Investment [8] - 80:6, 357:7, 583:8, 816:10, 817:9, 820:21, 823:4, 827:24</p> <p>investments [4] - 189:25, 331:2, 353:10, 438:9</p> <p>investor [5] - 57:9, 62:16, 89:24, 489:21, 539:11</p> <p>investors [22] - 62:21, 63:15, 70:1, 95:7, 95:20, 135:18, 144:7, 431:11, 438:25, 446:18, 446:19, 446:23, 450:9, 453:17, 454:2, 478:10, 536:22, 539:14, 562:24, 861:17, 861:21, 880:25</p> <p>invisible [2] - 326:18, 738:21</p> <p>invitation [1]</p>	<p>- 44:19</p> <p>invite [3] - 82:22, 136:15, 350:20</p> <p>inviting [1] - 189:9</p> <p>involve [6] - 229:20, 399:5, 427:18, 571:18, 597:3, 691:10</p> <p>involved [64] - 96:9, 107:12, 147:17, 184:9, 186:13, 186:15, 186:17, 186:19, 186:22, 195:12, 200:8, 200:9, 200:21, 205:5, 229:4, 229:9, 245:3, 266:10, 345:7, 347:7, 354:15, 354:22, 392:17, 409:4, 420:16, 426:22, 432:7, 475:3, 478:3, 487:25, 500:5, 500:6, 506:9, 506:23, 507:18, 548:23, 578:5, 586:5, 588:4, 610:22, 611:1, 613:14, 629:17, 681:9, 701:11, 705:25, 706:4, 709:3, 710:1, 710:3, 710:25, 731:17, 763:13, 784:24, 797:12, 798:12, 799:16, 807:23, 808:7, 830:8, 839:19, 861:19, 869:23</p> <p>involvement [2] - 317:2, 421:14</p> <p>involves [3] - 423:13, 507:5, 639:2</p> <p>involving [3]</p>	<p>- 349:20, 710:5, 798:8</p> <p>Iowa [3] - 178:17, 274:22, 353:24</p> <p>IP [1] - 116:23</p> <p>Iron [2] - 708:10, 708:15</p> <p>iron [1] - 139:23</p> <p>ironic [2] - 20:13, 585:12</p> <p>irony [1] - 104:20</p> <p>irrelevant [2] - 162:13, 383:11</p> <p>Irrelevant [2] - 3:21, 157:4</p> <p>irreplaceabl e [3] - 463:11, 491:1, 493:24</p> <p>irreplaceabl y [1] - 122:5</p> <p>irretrievable [1] - 72:4</p> <p>irretrievably [1] - 825:4</p> <p>irreversible [2] - 18:1, 825:3</p> <p>irrevocably [1] - 94:17</p> <p>irrigate [1] - 69:10</p> <p>irrigation [1] - 709:9</p> <p>ish/green [1] - 217:9</p> <p>Island [13] - 33:16, 37:2, 53:10, 86:21, 87:2, 112:6, 112:24, 140:16, 267:24, 432:16, 819:12, 819:17, 878:20</p> <p>island [1] - 556:2</p> <p>islands [3] - 146:20, 536:1, 800:8</p> <p>Islands [2] - 125:23,</p>	<p>171:25</p> <p>ISO [36] - 84:20, 336:24, 357:10, 357:19, 358:1, 358:7, 358:11, 369:7, 369:11, 369:19, 370:24, 370:25, 380:12, 380:14, 402:18, 409:8, 425:13, 425:17, 563:11, 572:22, 572:24, 573:2, 573:7, 573:15, 855:3, 875:14, 875:17, 875:25, 876:14, 877:10, 885:13, 885:17, 885:23, 886:15, 888:17, 888:20</p> <p>ISO's [1] - 425:21</p> <p>isolated [2] - 289:23, 800:8</p> <p>isolation [2] - 86:5, 851:23</p> <p>isotope [1] - 721:7</p> <p>issue [106] - 14:15, 14:17, 38:25, 39:10, 42:5, 43:21, 55:22, 60:23, 64:25, 76:6, 77:8, 77:11, 84:23, 97:25, 103:20, 108:13, 110:18, 131:12, 131:19, 134:5, 145:25, 167:15, 187:4, 188:11, 217:10, 218:16, 229:11, 239:3, 239:7, 239:12, 239:14, 271:10, 272:3,</p>
--	---	---	--	---	---	--

278:18, 285:2, 332:20, 345:22, 357:14, 360:2, 367:13, 370:19, 395:3, 395:12, 399:18, 408:18, 413:17, 418:8, 427:6, 449:13, 449:22, 450:12, 450:21, 460:23, 460:25, 461:15, 462:10, 462:11, 462:12, 474:13, 490:19, 494:6, 506:24, 507:1, 528:12, 529:2, 530:15, 541:1, 543:1, 552:7, 552:8, 552:9, 553:3, 553:20, 561:22, 563:19, 577:12, 622:17, 654:17, 662:10, 667:25, 668:14, 683:2, 683:4, 694:7, 694:18, 694:23, 719:11, 719:20, 720:4, 726:18, 749:22, 780:22, 798:7, 808:6, 849:11, 851:11, 854:6, 854:19, 856:18, 858:14, 860:1, 862:22, 875:22, 876:6, 886:21 issued [6] - 162:11, 259:18, 485:21, 763:15, 787:16, 789:10 Issues [1] - 189:6	issues [79] - 16:4, 56:15, 61:16, 85:8, 87:14, 143:21, 166:9, 170:19, 171:13, 178:25, 180:11, 190:11, 191:8, 202:2, 203:8, 208:1, 210:8, 215:18, 216:13, 220:17, 220:25, 239:17, 246:1, 263:10, 295:8, 295:21, 316:23, 327:25, 336:6, 349:5, 360:1, 360:11, 360:13, 363:9, 364:15, 369:3, 371:1, 371:3, 371:15, 378:10, 390:12, 393:13, 394:4, 395:2, 401:20, 410:4, 416:4, 471:7, 485:19, 488:24, 489:2, 494:5, 496:14, 509:17, 510:24, 522:9, 529:17, 529:23, 534:3, 536:25, 553:16, 562:7, 567:24, 611:5, 645:12, 681:16, 719:23, 747:8, 749:8, 795:25, 808:8, 831:4, 850:25, 862:25, 870:1, 886:20, 887:6, 890:17 Italy [1] - 454:18 item [4] - 439:10, 454:24, 606:13, 608:4 items [7] - 25:13, 72:16, 144:8, 434:13, 582:15, 619:20,	710:22 iterations [2] - 317:19, 788:22 itself [29] - 101:22, 101:23, 133:25, 145:11, 177:12, 193:9, 217:13, 227:20, 230:1, 230:7, 231:10, 247:1, 301:14, 326:19, 460:3, 470:4, 490:7, 519:1, 599:16, 619:2, 633:2, 652:15, 659:5, 677:10, 694:19, 732:15, 736:3, 737:16, 833:4 Iverson [5] - 23:14, 23:20, 41:9, 44:17, 44:23 IVERSON [3] - 23:19, 44:19, 44:23	841:7, 842:6, 877:5 Jacuzzis [1] - 533:9 James [13] - 32:17, 37:7, 106:16, 139:24, 141:4, 143:12, 149:11, 246:17, 444:7, 448:14, 452:1, 559:23, 647:9 Jan [6] - 116:5, 116:7, 119:11, 119:15, 147:8, 149:11 Jane [2] - 147:9, 538:3 Janssan [2] - 559:11, 560:22 JANSSAN [4] - 560:21, 561:10, 561:15, 561:19 January [8] - 8:3, 159:23, 160:11, 311:11, 315:15, 349:18, 778:22, 788:1 January/February [1] - 311:9 Japan [1] - 718:13 Japanese [1] - 57:25 Jean [8] - 147:7, 660:13, 662:3, 680:18, 680:23, 681:5, 696:20, 705:5 Jedediah [1] - 43:5 Jeff [27] - 9:21, 125:16, 126:23, 127:9, 129:22, 156:14, 186:25, 194:21, 210:15, 219:7, 245:22, 318:16, 322:7, 364:10,	370:20, 383:24, 387:3, 387:18, 411:20, 518:9, 518:11, 570:24, 592:24, 595:6, 693:4, 699:24, 891:3 jeopardize [1] - 258:16 jerked [1] - 59:11 Jerry [1] - 11:1 Jersey [4] - 46:1, 405:19, 526:3, 749:20 jest [1] - 552:4 Jetta [1] - 466:12 jewels [3] - 500:22, 529:4, 747:25 Jim [14] - 1:12, 106:16, 140:24, 155:4, 250:6, 250:11, 252:9, 448:15, 448:23, 570:21, 669:10, 679:24, 754:4, 754:7 jive [1] - 710:7 JMDutton@Maine.rr.com [1] - 32:24 Jo [3] - 23:15, 25:8, 62:23 job [24] - 133:25, 137:24, 148:20, 250:20, 251:21, 260:9, 378:24, 426:21, 426:22, 431:22, 465:8, 553:2, 553:17, 557:6, 557:12, 567:10, 625:4, 625:6, 627:19, 681:11, 711:23, 717:4, 830:24, 831:1 Jobs [1] -	544:1 jobs [36] - 15:8, 15:9, 26:6, 32:11, 49:6, 64:9, 168:24, 253:7, 253:11, 253:13, 253:17, 255:1, 373:15, 377:2, 377:4, 377:5, 377:6, 378:23, 479:5, 479:17, 479:21, 504:24, 505:11, 544:13, 544:14, 551:4, 551:5, 551:7, 558:15, 764:25, 765:2, 765:3, 824:7, 824:8 JODRY [4] - 531:9, 532:16, 532:18, 533:15 Jodry [5] - 527:13, 531:6, 531:9, 532:18 Jody [4] - 731:15, 757:21, 784:22, 787:12 John [35] - 25:4, 32:23, 33:8, 33:23, 34:10, 35:2, 37:5, 54:2, 113:15, 116:3, 116:5, 116:7, 116:11, 119:11, 169:25, 263:4, 288:10, 335:18, 335:21, 336:2, 444:7, 454:7, 454:11, 477:3, 480:21, 480:24, 481:2, 482:20, 569:16, 569:21, 570:2, 727:12 John's [2] - 454:10, 503:14 join [3] -	82:22, 876:17, 883:1 joined [8] - 11:9, 11:13, 12:20, 13:18, 284:4, 584:23, 797:7, 817:23 Joining [1] - 10:25 jointly [1] - 158:1 Jon [4] - 51:12, 54:1, 54:2, 54:3 Jonathan [4] - 374:4, 426:18, 431:3, 431:4 Jones [9] - 680:20, 731:15, 757:23, 760:11, 784:18, 784:20, 784:22, 792:23, 794:4 JONES [1] - 731:12 Jonesport [1] - 759:22 Journal [2] - 128:6, 141:17 journal [1] - 663:22 Juan [3] - 125:23, 178:20, 354:3 judge [3] - 377:17, 673:8, 849:21 judgment [15] - 247:1, 392:22, 465:17, 468:8, 616:4, 616:10, 651:4, 651:5, 663:9, 671:22, 695:21, 714:23, 735:14, 755:16, 770:24 judgments [1] - 486:4 Julia [3] - 359:23, 364:3, 372:5 July [22] - 9:1, 9:3, 9:11,
--	---	---	--	--	---	--

<p>9:13, 74:3, 161:14, 161:18, 161:19, 162:3, 162:8, 162:10, 162:12, 227:7, 227:8, 394:2, 416:15, 462:8, 488:9, 730:1, 751:25, 871:8, 871:13</p> <p>jumped [3] - 526:7, 711:4, 711:20</p> <p>jumping [1] - 611:8</p> <p>June [12] - 8:13, 9:2, 9:5, 161:1, 161:15, 161:17, 161:22, 345:11, 437:1, 462:8, 488:9, 633:1</p> <p>jungle [1] - 106:9</p> <p>Junior [17] - 603:16, 605:12, 606:21, 607:16, 607:17, 608:2, 625:11, 625:15, 625:22, 634:2, 676:23, 687:16, 687:21, 688:18, 697:3, 697:12, 700:17</p> <p>junk [1] - 120:5</p> <p>jurisdiction [14] - 108:11, 119:5, 137:12, 138:20, 195:7, 236:3, 647:22, 655:7, 740:7, 740:8, 749:10, 749:13, 811:2, 827:23</p> <p>jurisdiction' s [1] - 108:17</p> <p>jurisdiction al [4] - 235:25, 290:10, 293:8, 755:2</p> <p>jurisdiction s [2] - 402:1,</p>	<p>613:9</p> <p>justice [2] - 138:14, 736:7</p> <p>justification [4] - 417:20, 480:9, 654:25, 679:20</p> <p>justify [1] - 151:18</p> <p>justifying [1] - 447:24</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kansas [1] - 145:19</p> <p>Kaplan [15] - 401:10, 406:1, 413:1, 414:6, 414:16, 414:18, 417:3, 417:5, 420:12, 422:1, 422:3, 426:18, 430:23, 431:5, 832:17</p> <p>KAPLAN [1] - 406:1</p> <p>Karen [3] - 386:6, 387:13, 607:20</p> <p>Katahdin [13] - 83:6, 99:20, 133:22, 445:20, 472:10, 478:15, 503:15, 546:7, 727:18, 742:2, 746:21, 748:15, 778:15</p> <p>Katrina [2] - 261:14, 469:7</p> <p>Keene [3] - 119:11, 122:11, 122:14</p> <p>KEENE [1] - 122:13</p> <p>keenly [1] - 488:23</p> <p>keep [32] - 26:7, 38:21, 82:6, 100:7, 121:12, 179:23, 199:11, 216:5, 249:22,</p>	<p>263:21, 264:15, 273:24, 284:19, 440:18, 453:22, 457:14, 476:6, 492:9, 507:10, 532:1, 550:21, 560:17, 565:4, 587:19, 622:19, 631:8, 631:17, 699:17, 699:25, 777:24, 807:10, 893:16</p> <p>Keep [1] - 33:1</p> <p>Keeping [1] - 325:1</p> <p>keeping [9] - 62:11, 119:16, 163:4, 214:1, 497:13, 498:12, 523:8, 631:18, 698:1</p> <p>keeps [6] - 101:19, 268:4, 588:8, 642:18, 697:16, 777:23</p> <p>Ken [9] - 133:17, 134:20, 134:22, 134:24, 134:25, 531:9, 532:15, 545:20, 549:9</p> <p>Kenetech [12] - 216:8, 245:4, 316:8, 316:10, 345:10, 350:9, 350:13, 350:15, 398:4, 731:17, 744:6, 807:22</p> <p>Kennebago [4] - 36:21, 132:24, 137:23, 172:1</p> <p>Kennebec [4] - 16:21, 63:5, 502:14, 591:6</p> <p>Kennebego [1] - 183:20</p> <p>Kennedy [2] -</p>	<p>131:23, 131:24</p> <p>Kenneth [3] - 527:13, 531:6, 545:23</p> <p>Kentucky [2] - 23:11, 77:25</p> <p>kept [8] - 147:18, 188:14, 252:17, 650:24, 658:13, 697:4, 697:6, 893:9</p> <p>Key [1] - 257:20</p> <p>key [23] - 43:19, 164:17, 165:7, 171:14, 213:20, 214:1, 220:25, 225:3, 331:14, 365:4, 497:19, 511:2, 511:11, 529:17, 563:19, 712:15, 719:16, 720:20, 720:23, 721:3, 727:20, 747:8, 818:9</p> <p>Kibby [6] - 305:1, 305:8, 305:13, 391:9, 398:6, 478:21</p> <p>kick [1] - 693:4</p> <p>kids [20] - 67:7, 70:17, 127:15, 186:16, 469:23, 470:5, 470:10, 470:11, 510:4, 517:22, 564:10, 567:12, 567:25, 568:3, 568:15, 569:7, 598:14</p> <p>kids' [1] - 539:18</p> <p>kill [3] - 56:12, 131:13, 167:16</p> <p>killed [5] - 47:3, 144:23, 145:18, 145:20,</p>	<p>729:22</p> <p>killling [2] - 47:5, 728:7</p> <p>kilowatt [33] - 26:22, 112:23, 142:12, 181:21, 182:2, 182:22, 281:8, 282:2, 351:19, 361:16, 434:19, 434:23, 436:10, 451:4, 507:10, 507:18, 587:8, 587:9, 587:10, 587:12, 587:18, 588:16, 589:21, 805:2, 805:5, 820:19, 822:3, 846:3, 846:12, 846:14, 852:3, 865:3</p> <p>kilowatt/ megawatt [1] - 577:21</p> <p>kilowatts [4] - 19:18, 35:23, 563:13, 589:10</p> <p>Kim [2] - 728:25, 729:5</p> <p>Kim's [1] - 729:10</p> <p>kind [74] - 37:4, 48:19, 59:3, 90:17, 90:20, 90:22, 123:13, 134:14, 207:11, 213:13, 214:12, 215:25, 216:7, 218:10, 219:15, 247:13, 268:12, 270:12, 340:7, 385:20, 412:19, 426:6, 440:8, 452:4, 468:25, 472:19, 495:19, 504:16, 514:15, 535:1, 540:19,</p>	<p>541:17, 563:5, 614:13, 615:23, 616:17, 622:25, 626:8, 628:18, 629:8, 630:2, 653:18, 655:14, 656:22, 657:7, 659:12, 663:7, 666:18, 669:1, 670:16, 672:7, 672:25, 673:9, 674:15, 687:3, 694:16, 704:14, 708:12, 709:14, 713:19, 713:23, 715:13, 717:2, 748:5, 756:13, 760:14, 770:6, 777:15, 784:25, 795:17, 830:4, 835:8, 862:7, 867:4</p> <p>kinds [14] - 32:10, 131:1, 233:25, 408:2, 409:12, 410:13, 542:8, 567:18, 629:16, 679:6, 695:12, 716:5, 777:16, 838:2</p> <p>King [10] - 100:10, 103:16, 103:18, 443:23, 463:6, 500:2, 505:25, 509:19, 542:13, 553:18</p> <p>KING [7] - 103:18, 443:25, 506:1, 509:22, 510:1, 511:1, 512:8</p> <p>Kingfield [12] - 29:21, 30:5, 71:20, 449:7, 468:5, 482:25, 552:2, 552:6, 556:23, 557:4, 567:8, 847:2</p> <p>kitchen [1] - 71:6</p>	<p>Kittery [2] - 113:18, 114:12</p> <p>Kittitas [5] - 831:23, 831:24, 843:25, 844:3, 844:5</p> <p>KJ [1] - 128:6</p> <p>knitting [1] - 808:22</p> <p>knock [2] - 322:23, 323:16</p> <p>knocking [1] - 95:8</p> <p>knowing [5] - 273:17, 424:18, 738:14, 781:9, 857:11</p> <p>knowledge [10] - 30:16, 56:14, 175:7, 433:18, 463:24, 539:7, 634:18, 779:5, 784:6, 784:16</p> <p>knowledgea ble [1] - 539:6</p> <p>Knowlton [1] - 845:8</p> <p>known [17] - 28:9, 116:12, 117:4, 147:22, 178:5, 268:25, 355:5, 402:18, 407:20, 410:15, 496:25, 601:11, 624:25, 727:23, 747:24, 754:24, 820:24</p> <p>knows [8] - 362:22, 405:3, 405:10, 511:6, 650:19, 837:7, 844:24, 857:10</p> <p>Knox [3] - 494:1, 496:2, 496:3</p> <p>KNOX [1] - 496:3</p> <p>Korea [1] - 141:14</p> <p>krill [2] -</p>
---	--	---	---	--	--	---

565:19, 565:20 KURTZ [66] - 180:9, 181:7, 181:9, 181:12, 182:3, 183:9, 191:2, 191:14, 193:1, 193:6, 193:18, 194:18, 210:18, 211:11, 211:18, 211:24, 212:21, 213:3, 213:15, 213:18, 214:4, 239:19, 240:8, 240:17, 240:20, 240:22, 241:22, 244:17, 267:18, 268:4, 268:12, 269:1, 269:7, 269:16, 269:19, 270:2, 270:4, 270:6, 270:12, 270:22, 280:14, 280:25, 282:4, 411:1, 439:18, 439:22, 440:4, 440:7, 618:3, 619:14, 627:25, 628:3, 630:5, 630:9, 630:18, 630:20, 664:19, 665:8, 667:1, 667:5, 667:8, 667:16, 667:22, 667:25, 863:13, 863:15 Kurtz [4] - 1:14, 155:5, 592:22, 627:10 kV [19] - 6:20, 6:25, 158:20, 158:24, 159:7, 205:3, 205:4, 342:1, 438:2, 438:5, 442:25, 443:5, 571:23, 571:25, 572:15, 572:20	Kyle [4] - 512:17, 512:19, 512:22, 513:5 L LA [1] - 558:4 labels [1] - 687:7 Labor [1] - 547:10 LABRECQU E [3] - 448:14, 448:18, 448:23 Labrecque [2] - 448:14, 448:23 Labreque [2] - 141:5, 143:12 lack [13] - 87:22, 99:21, 105:24, 383:8, 451:6, 470:7, 485:11, 489:10, 718:1, 754:5, 819:12, 847:16, 847:17 lacked [1] - 500:25 lacking [1] - 766:1 ladder [1] - 87:22 laden [1] - 28:12 ladies [3] - 10:4, 482:24, 564:10 Ladies [1] - 116:10 lady [4] - 92:23, 122:24, 444:13, 559:16 laid [4] - 110:24, 209:25, 219:16, 231:19 lake [11] - 49:7, 148:5, 410:4, 410:8, 505:18, 541:19, 553:5, 553:7, 553:8	553:11, 553:21 Lake [10] - 46:19, 221:4, 249:5, 339:20, 504:4, 505:20, 547:12, 708:25, 725:25, 889:22 Lakes [8] - 37:12, 107:5, 107:10, 132:8, 525:20, 529:21, 530:21, 531:3 lakes [12] - 83:5, 94:13, 103:3, 132:20, 246:23, 249:5, 252:3, 458:4, 529:7, 529:8, 684:3, 695:16 Lambert [15] - 97:20, 97:21, 680:20, 707:23, 716:19, 723:12, 757:4, 757:6, 761:11, 762:24, 763:1, 763:3, 763:18, 766:2, 768:7 LAMBERT [2] - 97:21, 723:12 land [148] - 15:15, 37:2, 47:2, 48:5, 57:19, 62:7, 64:11, 69:10, 71:14, 98:17, 98:19, 104:16, 104:17, 106:21, 107:12, 107:15, 110:13, 130:15, 132:22, 155:22, 168:23, 172:17, 173:20, 185:9, 185:10, 185:17, 197:5, 226:8, 230:17, 230:21, 230:22, 350:9, 352:22,	353:17, 353:23, 353:24, 354:1, 354:5, 440:6, 440:8, 440:15, 446:21, 449:14, 450:6, 453:10, 456:11, 456:21, 457:1, 457:2, 461:1, 461:5, 461:23, 466:8, 479:16, 480:4, 483:8, 483:11, 487:3, 487:18, 487:22, 488:3, 488:6, 489:5, 489:12, 492:3, 494:17, 495:9, 496:17, 513:12, 522:6, 522:17, 524:23, 525:16, 530:11, 530:23, 541:5, 555:17, 558:21, 558:25, 559:7, 559:24, 560:2, 561:11, 561:13, 561:14, 566:14, 579:4, 579:9, 596:23, 599:20, 599:22, 599:25, 603:7, 609:24, 610:23, 611:1, 611:5, 611:13, 611:15, 611:21, 612:6, 612:8, 613:8, 613:19, 614:19, 614:21, 616:2, 620:7, 629:17, 644:21, 644:22, 646:18, 650:5, 650:6, 650:9, 650:10, 653:10, 653:21, 653:22, 653:23, 655:8, 666:19, 689:3, 697:21, 697:23,	698:20, 701:24, 710:3, 727:15, 735:9, 740:22, 744:9, 746:7, 746:21, 753:2, 753:4, 753:5, 753:6, 762:3, 813:7, 813:10, 818:5, 828:3 Land [29] - 1:4, 1:10, 3:1, 70:7, 73:19, 155:25, 321:9, 457:12, 464:5, 474:12, 487:1, 488:1, 491:24, 498:1, 521:3, 569:2, 575:1, 685:17, 727:18, 737:13, 740:4, 745:23, 745:24, 747:3, 749:4, 750:11, 775:13, 819:5, 827:21 landers [1] - 538:4 landfill [1] - 880:11 landlord [1] - 82:2 landowner [9] - 46:18, 82:2, 99:2, 350:15, 464:12, 464:15, 464:17, 542:17, 711:16 landowners [5] - 171:24, 254:1, 479:20, 488:5, 813:3 Lands [1] - 202:14 lands [18] - 95:12, 221:7, 375:17, 375:18, 464:9, 477:15, 494:16, 523:23, 611:19, 613:1, 614:20, 644:22, 644:23, 645:3, 682:23,	698:22, 813:4 Landscape [1] - 681:14 landscape [117] - 92:15, 132:16, 204:6, 220:2, 220:4, 222:10, 222:16, 223:13, 223:16, 223:22, 229:12, 241:9, 242:16, 247:3, 247:9, 249:1, 249:4, 250:9, 250:15, 250:17, 251:6, 252:11, 328:18, 328:20, 347:2, 347:3, 349:6, 354:12, 375:20, 430:20, 460:2, 482:7, 492:19, 493:2, 516:5, 524:7, 533:1, 541:16, 543:6, 543:15, 575:6, 575:12, 575:13, 575:14, 597:22, 598:8, 598:11, 600:16, 601:4, 601:17, 601:19, 601:20, 602:4, 602:6, 603:3, 603:11, 603:13, 609:4, 609:17, 609:22, 609:25, 610:12, 615:6, 618:21, 618:22, 619:5, 619:9, 620:1, 620:11, 620:13, 620:14, 620:15, 624:6, 624:7, 624:15, 627:12, 629:21, 630:12, 632:10, 632:12, 632:14, 632:18,	632:19, 635:5, 651:9, 652:11, 653:13, 654:16, 657:15, 657:18, 657:20, 657:24, 658:18, 665:22, 679:12, 681:5, 683:11, 683:18, 705:18, 722:10, 739:10, 739:12, 741:24, 742:9, 742:12, 743:2, 743:18, 747:11, 749:2, 749:23, 750:9, 891:10 landscapes [15] - 71:17, 93:12, 221:14, 596:18, 602:3, 610:10, 614:12, 614:15, 683:13, 706:11, 718:13, 722:18, 741:3, 747:23, 748:6 lane [1] - 644:20 Lang [4] - 36:25, 116:11, 533:24, 536:8 Langtown [2] - 116:12, 116:21 language [3] - 645:9, 675:24, 789:4 lap [1] - 281:1 large [75] - 14:1, 17:20, 43:18, 49:9, 49:22, 49:25, 50:8, 55:4, 85:12, 86:12, 93:10, 130:19, 149:1, 167:3, 172:6, 172:23, 174:1, 190:24, 202:10, 202:17, 221:5, 223:9, 232:22,
--	---	---	--	---	--	---

<p>246:23, 250:11, 250:14, 263:17, 275:14, 293:18, 311:3, 318:5, 324:24, 351:24, 375:2, 391:20, 403:7, 413:21, 420:6, 421:8, 424:25, 425:23, 426:25, 461:3, 478:12, 485:4, 490:8, 492:17, 548:5, 621:22, 635:20, 641:18, 648:16, 650:12, 652:24, 654:3, 695:24, 703:21, 731:25, 733:8, 741:7, 742:15, 743:8, 749:22, 753:2, 760:7, 779:14, 792:1, 795:12, 818:25, 834:1, 837:6, 848:15, 851:20, 852:10</p> <p>large-scale [4] - 43:18, 85:12, 167:3, 485:4</p> <p>largely [9] - 42:14, 237:10, 383:1, 383:17, 417:18, 686:22, 687:10, 812:7, 835:5</p> <p>larger [32] - 21:2, 21:3, 61:16, 68:15, 68:16, 70:12, 77:11, 108:14, 130:21, 346:11, 346:13, 357:10, 377:21, 403:6, 407:4, 409:4, 410:16, 421:4, 421:16, 430:7, 520:17, 577:19, 577:23, 653:16,</p>	<p>733:22, 736:9, 764:18, 805:6, 836:23, 838:14, 879:23</p> <p>largest [21] - 99:16, 238:5, 260:2, 260:4, 260:7, 276:13, 382:12, 383:3, 407:9, 427:22, 507:15, 507:17, 538:19, 551:1, 741:5, 742:1, 813:6, 822:15, 825:17, 835:16, 856:13</p> <p>Larry [5] - 540:4, 889:5, 889:11, 889:14, 890:20</p> <p>Larry's [1] - 890:25</p> <p>Lars [3] - 559:11, 560:20, 560:22</p> <p>Las [1] - 118:9</p> <p>Last [12] - 43:4, 180:9, 255:19, 266:12, 348:8, 379:14, 475:5, 531:22, 537:3, 598:16, 704:22, 804:13</p> <p>last [142] - 9:16, 20:23, 29:21, 32:17, 48:25, 60:16, 100:23, 101:11, 102:4, 110:16, 126:8, 140:25, 143:15, 146:14, 157:6, 162:22, 170:7, 170:23, 174:23, 176:20, 180:15, 181:14, 182:3, 182:4, 184:18, 189:5, 200:20, 205:24,</p>	<p>208:23, 220:5, 233:10, 237:4, 238:13, 251:19, 252:19, 256:22, 262:10, 270:23, 271:11, 276:19, 280:15, 280:21, 282:13, 297:2, 336:6, 351:6, 356:5, 356:19, 360:22, 361:19, 381:23, 382:22, 382:24, 393:9, 401:25, 415:2, 421:8, 427:4, 435:15, 436:7, 441:2, 445:13, 446:12, 446:16, 448:4, 448:19, 452:6, 453:6, 454:14, 462:10, 467:10, 471:4, 471:12, 472:23, 475:21, 476:10, 477:22, 499:2, 501:3, 510:3, 510:12, 515:24, 518:8, 519:16, 524:21, 530:23, 531:13, 532:6, 534:9, 536:19, 537:10, 539:5, 541:6, 541:14, 541:24, 543:12, 544:6, 544:22, 556:8, 566:21, 569:16, 569:21, 569:22, 579:21, 581:5, 590:17, 591:17, 594:2, 595:18, 643:6, 654:2, 674:17, 680:21, 683:21, 709:7, 711:23, 715:12,</p>	<p>715:21, 716:2, 721:25, 760:4, 777:25, 784:18, 787:17, 803:18, 822:2, 825:9, 839:3, 839:18, 840:11, 840:12, 853:2, 858:14, 866:6, 867:25, 874:6, 874:8, 874:22, 883:5, 887:4</p> <p>lasted [1] - 725:25</p> <p>lasting [1] - 636:21</p> <p>lastly [1] - 250:1</p> <p>lasts [1] - 637:6</p> <p>late [15] - 18:6, 131:11, 206:13, 229:14, 258:14, 389:14, 389:17, 469:21, 525:23, 591:3, 591:18, 591:24, 725:12, 730:16, 822:17</p> <p>lately [1] - 69:2</p> <p>latest [4] - 361:17, 608:24, 722:7, 786:11</p> <p>Lathisi [1] - 69:8</p> <p>latitude [3] - 562:15, 699:19, 800:10</p> <p>lattice [3] - 790:16, 790:22, 796:8</p> <p>latticework [2] - 790:13, 790:20</p> <p>launch [1] - 797:25</p> <p>launching [1] - 797:16</p> <p>Laverty [1] - 1:14</p>	<p>Law [13] - 335:16, 336:4, 401:10, 406:2, 413:8, 417:5, 420:14, 420:17, 582:25, 744:13, 796:24, 850:17, 868:19</p> <p>law [22] - 20:23, 98:4, 100:23, 105:14, 105:17, 105:18, 283:21, 506:8, 510:25, 530:13, 536:18, 676:9, 726:19, 747:2, 763:21, 818:19, 818:24, 819:9, 849:20, 859:10, 859:16, 867:15</p> <p>Lawrence [1] - 59:4</p> <p>laws [3] - 461:23, 464:11, 480:3</p> <p>lawyer [5] - 81:24, 82:17, 362:24, 408:8, 510:10</p> <p>lawyers [2] - 284:9, 387:2</p> <p>lay [5] - 206:4, 233:23, 369:3, 755:19, 795:6</p> <p>layer [4] - 28:13, 29:3, 231:14, 609:11</p> <p>layers [4] - 231:19, 772:17, 772:21</p> <p>layout [4] - 203:4, 365:22, 367:17, 367:24</p> <p>layouts [1] - 311:18</p> <p>layperson [2] - 576:5,</p>	<p>834:15</p> <p>lays [1] - 653:22</p> <p>LD [1] - 842:20</p> <p>lead [11] - 83:22, 150:5, 201:4, 243:12, 374:4, 375:1, 380:3, 423:6, 515:16, 568:24, 878:3</p> <p>leader [3] - 61:12, 70:25, 80:20</p> <p>leaders [3] - 12:14, 165:13, 522:8</p> <p>leadership [2] - 77:4, 520:18</p> <p>leading [8] - 12:20, 12:22, 170:6, 337:19, 477:24, 516:9, 540:19, 784:8</p> <p>leads [4] - 344:12, 544:19, 815:16, 821:8</p> <p>leaf [2] - 214:17, 792:6</p> <p>leakage [1] - 484:1</p> <p>lean [3] - 487:15, 672:15, 672:17</p> <p>lean-to [2] - 672:15, 672:17</p> <p>lean-tos [1] - 487:15</p> <p>leaps [1] - 401:25</p> <p>learn [5] - 41:22, 82:14, 83:21, 253:23, 838:5</p> <p>learned [10] - 36:17, 114:9, 150:12, 455:20, 456:1, 508:21, 541:23, 555:18, 792:2, 876:4</p> <p>lease [4] - 233:9, 253:25, 350:12, 813:8</p>	<p>leased [2] - 300:23, 813:4</p> <p>leases [1] - 489:25</p> <p>leasing [2] - 82:2, 761:16</p> <p>least [51] - 3:25, 4:9, 72:4, 122:15, 163:1, 173:20, 227:9, 282:17, 286:9, 296:3, 300:21, 311:24, 312:7, 314:17, 348:12, 381:1, 416:18, 434:10, 441:8, 446:20, 459:25, 471:11, 473:23, 496:20, 497:14, 498:16, 498:18, 499:8, 500:5, 502:3, 516:3, 538:13, 542:14, 549:14, 588:11, 604:9, 621:7, 648:14, 668:5, 674:20, 682:21, 683:12, 702:3, 743:17, 793:23, 833:2, 840:14, 845:7, 847:16, 850:10, 891:6</p> <p>leave [29] - 37:25, 40:25, 53:6, 78:25, 113:6, 113:8, 130:18, 134:19, 157:13, 185:14, 185:15, 190:15, 454:17, 455:5, 463:11, 503:19, 517:21, 517:22, 518:22, 521:14, 596:11, 681:1, 707:15, 708:9, 712:12,</p>
--	--	---	---	--	--	---

<p>722:19, 746:4, 773:2, 781:16</p> <p>Leave [2] - 46:13, 113:9</p> <p>leaves [7] - 23:25, 37:21, 205:10, 239:8, 656:16, 656:23, 720:7</p> <p>leaving [8] - 87:23, 127:22, 127:24, 127:25, 719:4, 819:13, 877:9, 877:23</p> <p>lecture [1] - 68:8</p> <p>led [5] - 63:10, 80:13, 495:6, 495:18, 600:19</p> <p>ledge [1] - 532:4</p> <p>ledges [2] - 477:25, 687:16</p> <p>LEE [13] - 89:21, 91:20, 170:20, 183:15, 183:19, 183:24, 184:2, 184:11, 185:14, 185:22, 186:6, 187:15, 188:10</p> <p>Lee [22] - 11:13, 40:3, 88:5, 89:21, 91:20, 109:9, 129:23, 170:18, 170:20, 308:16, 317:12, 344:16, 349:11, 352:5, 376:25, 513:8, 513:15, 576:25, 681:12, 786:17, 787:13, 806:1</p> <p>Lee's [3] - 89:25, 485:15, 682:12</p> <p>left [35] - 10:15, 22:9, 34:17, 39:18,</p>	<p>70:5, 73:7, 171:7, 221:4, 230:16, 251:9, 251:14, 263:14, 302:19, 372:6, 397:16, 406:14, 429:16, 466:16, 467:6, 493:23, 505:9, 516:1, 547:11, 547:13, 581:12, 581:13, 582:19, 678:4, 747:23, 771:7, 863:7, 876:23, 877:2, 887:12, 892:11</p> <p>left-hand [1] - 406:14</p> <p>Legacy [2] - 416:14, 530:24</p> <p>legacy [1] - 596:10</p> <p>legal [12] - 3:11, 52:4, 156:23, 358:17, 510:18, 510:22, 510:25, 511:2, 512:2, 530:3, 723:24, 893:11</p> <p>legally [2] - 330:6, 511:6</p> <p>legend [1] - 294:14</p> <p>legislation [9] - 20:22, 432:24, 490:24, 611:14, 629:1, 629:5, 842:20, 872:8, 872:9</p> <p>legislative [3] - 41:22, 100:23, 475:4</p> <p>legislators [1] - 859:24</p> <p>legislature [12] - 16:21, 20:10, 85:10, 98:5, 320:11, 410:21, 474:3, 510:19, 511:6, 519:10,</p>	<p>685:18, 872:7</p> <p>legitimate [3] - 61:11, 207:17, 461:14</p> <p>legs [2] - 123:15, 660:3</p> <p>leisure [1] - 257:19</p> <p>lemming [42] - 74:15, 173:6, 233:5, 234:3, 236:12, 297:16, 297:24, 298:2, 298:5, 299:5, 299:16, 299:21, 299:22, 300:4, 300:6, 390:10, 390:14, 397:2, 397:3, 397:5, 397:7, 397:10, 720:13, 727:21, 727:23, 728:19, 728:20, 728:24, 729:1, 729:6, 729:13, 729:19, 730:4, 730:11, 730:13, 730:15, 730:22, 731:6, 761:23, 762:4</p> <p>Lemmings [1] - 730:17</p> <p>lemmings [11] - 234:5, 390:12, 397:8, 727:18, 729:4, 729:11, 729:12, 730:8, 730:24, 732:6, 762:7</p> <p>lemmings' [1] - 728:2</p> <p>lend [4] - 466:5, 466:6, 466:9</p> <p>length [11] - 221:22, 286:19, 407:20, 407:23, 498:11, 604:5, 605:21, 605:23, 678:17, 693:8,</p>	<p>711:11</p> <p>lengths [1] - 608:9</p> <p>lengthy [1] - 816:7</p> <p>lens [2] - 678:17, 688:2</p> <p>less [72] - 23:8, 30:14, 47:10, 53:21, 56:11, 72:12, 86:24, 117:19, 121:3, 121:4, 148:5, 152:25, 167:8, 182:20, 183:5, 183:7, 194:1, 204:5, 204:7, 210:5, 210:8, 210:9, 220:14, 221:24, 222:6, 226:18, 232:13, 241:20, 250:3, 252:3, 256:9, 271:3, 281:16, 337:23, 346:13, 350:16, 352:8, 370:6, 383:10, 388:19, 413:20, 430:12, 438:4, 447:17, 449:25, 456:18, 456:19, 492:10, 523:10, 537:8, 566:17, 658:22, 659:17, 660:4, 670:24, 692:6, 701:12, 712:2, 718:9, 744:20, 822:20, 827:10, 828:18, 839:9, 865:8, 868:14, 878:2</p> <p>Less [1] - 79:1</p> <p>lesser [1] - 56:24</p> <p>lest [1] - 21:11</p> <p>letter [25] - 8:2, 20:21, 20:22, 51:16, 73:16, 73:17,</p>	<p>160:10, 160:15, 189:7, 189:11, 331:8, 464:11, 567:17, 643:15, 643:16, 643:19, 643:20, 659:5, 660:3, 674:21, 675:1, 737:13, 769:11, 782:11, 882:11</p> <p>letters [2] - 481:3, 659:4</p> <p>letting [6] - 33:2, 37:5, 457:19, 460:15, 465:2, 592:2</p> <p>Level [1] - 602:24</p> <p>level [45] - 13:15, 28:1, 29:15, 43:4, 47:17, 68:22, 86:8, 101:15, 108:16, 182:25, 202:11, 202:13, 202:15, 210:14, 234:2, 240:17, 245:13, 250:25, 286:2, 286:6, 286:25, 406:20, 439:9, 440:17, 565:12, 582:3, 589:18, 601:15, 601:25, 650:6, 671:11, 719:19, 722:12, 747:2, 747:3, 764:10, 798:8, 798:10, 798:24, 819:18, 823:1, 825:15, 827:2, 835:16, 835:22</p> <p>levels [17] - 18:4, 42:13, 55:11, 108:23, 120:21, 234:23, 235:4, 235:7, 602:1,</p>	<p>745:5, 765:10, 765:14, 790:5, 801:1, 827:2</p> <p>Lewis [3] - 482:23, 486:22, 486:25</p> <p>LEWIS [4] - 486:25, 487:9, 487:11, 490:14</p> <p>Lewiston [2] - 128:6, 591:2</p> <p>liability [4] - 183:4, 330:7, 370:5, 862:19</p> <p>liable [1] - 330:8</p> <p>licensed [6] - 84:11, 575:14, 723:13, 723:19, 771:13, 816:25</p> <p>licensing [1] - 709:1</p> <p>licked [1] - 470:15</p> <p>lie [1] - 516:4</p> <p>lies [5] - 36:13, 539:7, 741:23, 742:2, 743:11</p> <p>lieu [1] - 814:24</p> <p>Life [1] - 522:14</p> <p>life [51] - 38:14, 49:6, 52:10, 67:24, 71:24, 94:19, 99:9, 99:12, 105:19, 110:24, 113:19, 113:25, 114:1, 114:3, 128:4, 128:16, 130:4, 131:7, 184:6, 184:7, 184:11, 184:18, 299:10, 300:15, 301:11, 301:17, 416:3, 458:6, 472:12, 482:5, 488:11, 493:13, 508:2, 516:20, 522:9, 522:14,</p>	<p>529:15, 529:23, 538:10, 538:17, 545:13, 546:5, 552:10, 552:19, 610:20, 655:16, 669:15, 715:14, 826:5, 847:22, 880:13</p> <p>lifelong [2] - 130:2, 880:14</p> <p>lifestyle [1] - 151:19</p> <p>lifestyles [1] - 79:12</p> <p>lifetime [2] - 61:6, 61:7</p> <p>lift [4] - 52:25, 446:6, 619:1, 691:24</p> <p>lifts [5] - 226:22, 482:6, 547:2, 621:20, 691:23</p> <p>Light [9] - 583:8, 586:7, 816:11, 816:25, 820:22, 825:25, 837:17, 837:21, 838:21</p> <p>light [35] - 30:23, 35:19, 75:19, 76:17, 99:21, 138:2, 143:3, 145:6, 218:8, 223:2, 228:2, 238:16, 238:19, 257:4, 317:2, 328:3, 391:22, 406:16, 507:11, 564:18, 633:2, 651:19, 651:21, 666:14, 670:14, 671:20, 673:1, 692:15, 708:16, 764:6, 804:17, 804:19, 805:1, 824:24</p>
---	---	---	---	---	---	---

<p>Light's [2] - 820:17, 823:3</p> <p>light-duty [1] - 764:6</p> <p>lighted [6] - 48:15, 133:4, 145:2, 145:5, 326:12, 476:14</p> <p>lightening [2] - 334:17, 334:25</p> <p>lighter [3] - 196:16, 196:18, 196:20</p> <p>Lighting [1] - 237:7</p> <p>lighting [30] - 48:19, 227:25, 237:5, 237:10, 238:4, 326:1, 326:3, 326:4, 327:25, 346:8, 528:19, 632:25, 658:23, 659:23, 665:25, 666:1, 666:7, 666:18, 666:20, 666:24, 667:1, 667:3, 667:9, 667:20, 669:11, 670:4, 670:8, 670:16, 692:23</p> <p>lightly [1] - 130:15</p> <p>lightning [3] - 384:17, 384:20</p> <p>Lights [1] - 357:6</p> <p>lights [48] - 30:24, 88:11, 99:23, 99:25, 108:8, 124:19, 145:9, 145:23, 148:25, 228:3, 237:16, 237:19, 257:7, 326:8, 326:14, 326:17, 338:23, 467:16, 472:17, 546:19, 553:9, 560:11, 666:1, 666:4, 667:6,</p>	<p>667:16, 667:17, 668:1, 669:21, 669:23, 670:2, 671:8, 671:9, 671:10, 671:18, 671:23, 671:25, 672:2, 672:11, 672:19, 672:24, 703:11, 703:15, 708:3, 708:9, 708:12, 725:17</p> <p>lightweight [1] - 52:16</p> <p>likelihood [3] - 449:20, 573:23, 805:5</p> <p>likely [34] - 18:11, 95:19, 108:19, 147:23, 148:18, 184:19, 261:22, 300:7, 359:3, 381:19, 384:17, 397:9, 415:21, 439:6, 454:2, 498:16, 498:18, 499:21, 500:14, 521:24, 573:21, 648:14, 724:18, 728:12, 729:6, 733:2, 766:6, 799:24, 827:14, 841:20, 867:1, 870:24, 872:8</p> <p>Likewise [2] - 359:13, 791:21</p> <p>limb [2] - 30:21, 52:10</p> <p>limbs [1] - 505:9</p> <p>lime [2] - 568:4, 803:2</p> <p>limit [10] - 4:17, 24:24, 196:18, 196:21, 196:23, 235:11,</p>	<p>248:15, 435:12, 882:19</p> <p>limitation [1] - 342:19</p> <p>limitations [3] - 150:13, 203:3, 864:15</p> <p>limited [30] - 43:2, 56:5, 230:5, 233:7, 297:4, 330:7, 371:9, 386:11, 389:23, 418:3, 469:5, 469:10, 661:12, 732:5, 748:22, 752:25, 800:2, 800:11, 820:11, 848:2, 848:7, 850:23, 855:22, 863:18, 871:1, 878:5, 878:21, 884:19</p> <p>limiting [2] - 195:22, 199:13</p> <p>limits [6] - 331:3, 372:6, 458:24, 484:23, 631:19, 723:24</p> <p>Lincoln [1] - 63:3</p> <p>Linda [5] - 116:6, 116:7, 116:9, 533:24, 536:7</p> <p>Lindsay [6] - 531:7, 533:23, 537:22, 537:24, 540:4, 540:11</p> <p>Lindsey [1] - 103:19</p> <p>line [119] - 32:7, 44:9, 62:22, 72:9, 90:5, 119:12, 142:2, 158:22, 158:24, 159:1, 159:19, 197:12, 198:13, 198:20, 198:21, 205:3, 205:4, 205:15, 225:18, 226:5,</p>	<p>228:22, 239:25, 240:16, 241:10, 245:19, 247:5, 258:12, 258:16, 262:10, 264:14, 265:23, 289:11, 290:13, 290:14, 290:16, 290:17, 290:21, 290:25, 291:23, 295:12, 300:1, 307:19, 310:12, 339:21, 340:1, 340:2, 341:9, 341:12, 341:16, 342:11, 423:18, 424:22, 428:22, 435:8, 438:3, 438:5, 454:10, 454:21, 467:8, 472:12, 472:18, 472:22, 481:24, 521:1, 538:13, 566:15, 571:23, 571:25, 572:4, 572:15, 572:20, 573:9, 588:7, 603:10, 610:2, 610:11, 618:11, 619:15, 619:19, 620:3, 624:6, 637:7, 644:24, 646:7, 651:10, 668:10, 693:5, 711:5, 711:8, 711:11, 711:14, 712:7, 712:9, 712:11, 713:9, 713:12, 713:24, 714:14, 716:10, 742:25, 744:17,</p>	<p>748:23, 770:10, 779:8, 800:21, 823:7, 837:4, 841:19, 841:25, 876:5, 876:17, 876:18, 876:23, 877:2, 877:4, 877:8, 877:9</p> <p>lineage [1] - 651:3</p> <p>linear [5] - 240:12, 291:17, 602:13, 710:1, 710:4</p> <p>lined [2] - 17:20, 660:24</p> <p>lineman [1] - 142:2</p> <p>lines [104] - 2:17, 2:20, 6:17, 6:20, 6:25, 7:8, 7:11, 13:23, 46:4, 63:23, 85:19, 119:6, 142:9, 148:24, 151:6, 158:15, 158:21, 159:8, 159:16, 166:21, 167:20, 171:13, 172:2, 172:8, 172:25, 173:1, 173:2, 196:11, 204:25, 205:2, 205:18, 223:18, 223:23, 224:6, 229:25, 231:15, 231:17, 286:16, 291:3, 291:24, 291:25, 293:20, 307:23, 307:24, 308:5, 312:11, 312:14, 312:18, 313:3, 313:16, 327:16, 328:17, 337:7, 342:1, 342:6, 348:20, 394:10,</p>	<p>442:22, 443:1, 443:6, 443:16, 456:6, 456:12, 479:25, 537:17, 561:23, 579:15, 584:5, 620:12, 632:1, 632:3, 636:5, 649:23, 652:5, 652:6, 652:8, 653:4, 659:4, 661:2, 690:13, 690:22, 701:23, 709:16, 710:4, 711:2, 719:5, 724:4, 744:18, 744:20, 744:21, 747:13, 759:8, 770:3, 779:4, 796:17, 796:18, 807:20, 807:24, 808:2, 813:19, 822:11, 830:7</p> <p>link [3] - 541:14, 627:4, 627:9</p> <p>linked [1] - 706:10</p> <p>lion's [1] - 260:6</p> <p>liquid [1] - 28:7</p> <p>liquor [1] - 873:3</p> <p>Lisa [7] - 477:4, 482:22, 482:23, 482:25, 484:13, 889:12, 889:14</p> <p>Lisbon [1] - 846:9</p> <p>List [1] - 9:17</p> <p>list [29] - 4:10, 5:21, 9:14, 16:19, 22:3, 22:5, 41:9, 41:20, 139:15, 149:12, 161:24, 229:10, 248:10, 267:19, 283:5,</p>	<p>304:19, 400:2, 443:20, 570:23, 574:11, 792:17, 793:2, 815:1, 843:15, 846:5, 849:23, 869:3, 869:7, 875:5</p> <p>listed [15] - 165:22, 198:5, 262:6, 268:1, 294:14, 304:24, 319:9, 324:23, 332:15, 332:22, 611:21, 728:1, 728:5, 728:8, 806:10</p> <p>listen [6] - 154:14, 510:11, 533:8, 560:9, 560:10, 560:13</p> <p>listened [11] - 118:12, 132:15, 203:14, 215:16, 255:20, 256:22, 445:13, 471:11, 475:5, 475:13, 753:18</p> <p>listening [16] - 16:8, 98:23, 122:9, 141:7, 284:20, 454:13, 468:2, 488:18, 493:21, 502:24, 528:11, 551:12, 559:15, 559:19, 625:24, 628:6</p> <p>lister [1] - 758:4</p> <p>listing [2] - 228:18, 873:16</p> <p>listings [2] - 109:1, 254:20</p> <p>Lists [1] - 792:16</p> <p>lists [2] - 273:16,</p>
--	--	---	--	---	--	---

<p>319:20 lit [14] - 238:15, 346:11, 533:9, 546:20, 649:19, 653:3, 666:8, 667:22, 669:13, 669:18, 669:24, 670:18, 796:10 lit-up [1] - 533:9 literal [1] - 665:5 literally [12] - 101:13, 116:15, 244:21, 245:6, 245:19, 499:17, 648:15, 725:6, 767:7, 823:7, 837:4, 837:7 literature [3] - 145:4, 297:8, 297:12 Live [1] - 551:22 live [87] - 23:20, 23:22, 25:8, 27:10, 32:23, 38:10, 44:23, 45:9, 45:18, 46:22, 57:7, 60:16, 62:12, 74:17, 79:11, 82:8, 89:8, 91:21, 99:11, 103:20, 105:5, 110:6, 110:15, 113:2, 114:3, 114:12, 114:13, 116:11, 116:12, 118:11, 119:15, 121:3, 130:15, 136:2, 139:24, 143:18, 151:20, 152:14, 266:13, 444:18, 447:8, 447:14, 457:20, 460:17, 463:16,</p>	<p>463:20, 467:4, 474:5, 474:17, 475:20, 477:6, 482:25, 494:3, 496:5, 500:3, 501:19, 512:1, 514:21, 517:15, 518:3, 519:25, 521:20, 523:18, 525:15, 526:5, 527:19, 531:10, 532:5, 533:11, 533:19, 538:8, 545:7, 545:8, 551:24, 555:5, 556:22, 558:9, 558:14, 559:7, 559:21, 560:5, 560:6, 560:22, 568:18, 708:5, 722:11, 853:9 lived [29] - 35:7, 38:12, 38:13, 57:7, 67:20, 83:12, 83:13, 91:4, 97:21, 99:10, 116:21, 116:22, 118:10, 125:22, 133:24, 149:19, 447:7, 472:12, 497:1, 516:19, 516:20, 525:17, 531:13, 558:3, 559:22, 566:12, 665:15 livelihood [1] - 108:2 lives [11] - 105:13, 152:14, 460:10, 469:20, 469:24, 470:2, 499:7, 509:8, 512:1, 536:2, 568:24 living [20] - 62:21, 71:24, 76:25, 105:20, 121:2, 133:3, 339:6, 452:12, 458:22,</p>	<p>484:15, 493:13, 502:16, 503:19, 504:23, 517:17, 526:14, 532:19, 555:25, 565:25 LLC [20] - 2:10, 82:1, 157:25, 158:1, 329:24, 330:3, 330:4, 330:6, 330:11, 330:12, 330:18, 330:24, 330:25, 331:6, 331:18, 332:12, 332:16, 593:6 LLCs [3] - 330:13, 330:15 Lloyd [2] - 255:5, 266:10 LNG [3] - 563:19, 563:21, 824:2 load [11] - 29:13, 188:12, 423:24, 724:1, 764:1, 764:6, 857:11, 876:20, 887:1, 887:22 loads [5] - 471:22, 761:17, 763:7, 764:1, 764:2 loafers [1] - 52:16 loam [3] - 217:5, 219:2 loan [2] - 557:21, 558:15 loans [1] - 557:19 lobbied [1] - 484:1 lobby [2] - 512:24, 513:1 Local [2] - 52:22, 464:10 local [94] - 10:24, 14:3, 15:6, 18:4,</p>	<p>24:8, 31:13, 32:12, 43:21, 45:21, 45:23, 51:22, 54:25, 62:7, 62:17, 63:7, 63:14, 64:7, 78:11, 94:10, 94:21, 103:20, 103:21, 114:20, 129:4, 131:20, 164:14, 164:23, 164:24, 168:24, 175:5, 175:7, 175:8, 175:15, 176:2, 176:10, 176:15, 178:22, 179:4, 186:17, 186:19, 201:7, 202:15, 206:12, 229:12, 253:12, 253:22, 253:25, 254:15, 258:7, 266:11, 266:18, 266:23, 295:12, 319:21, 377:5, 378:5, 407:4, 413:25, 447:13, 458:2, 475:8, 479:5, 489:8, 499:1, 504:17, 505:1, 505:6, 525:12, 526:23, 542:17, 543:1, 544:4, 544:13, 545:16, 557:17, 566:23, 567:7, 567:13, 599:21, 696:3, 753:5, 778:14, 806:14, 806:15, 807:5, 847:20, 848:1, 848:6, 849:8, 854:5, 889:15 localities [1] - 683:16 locally [7] - 12:25, 15:10, 117:15, 164:6,</p>	<p>181:2, 181:4, 556:22 locals [1] - 683:23 locate [4] - 56:4, 286:14, 291:3, 377:6 located [36] - 54:5, 71:4, 72:11, 166:23, 174:3, 178:17, 179:13, 200:15, 222:16, 229:24, 285:6, 290:6, 292:19, 294:20, 320:23, 377:8, 424:12, 429:11, 476:22, 479:25, 483:13, 486:13, 616:10, 620:7, 649:11, 690:20, 690:25, 706:11, 724:25, 737:7, 741:19, 744:3, 762:11, 790:9, 810:18, 828:20 locating [3] - 286:23, 456:11, 691:23 Location [1] - 726:11 location [36] - 26:11, 30:3, 88:3, 149:4, 172:13, 302:8, 313:12, 354:9, 397:4, 418:7, 455:23, 456:17, 485:1, 486:14, 486:17, 493:8, 525:10, 527:10, 562:20, 578:20, 578:21, 607:2, 607:8, 607:21, 640:19, 654:25, 717:11, 719:3, 722:21,</p>	<p>735:14, 737:11, 810:5, 821:14, 890:6 locations [33] - 30:13, 171:16, 177:16, 196:14, 233:3, 233:17, 237:22, 293:12, 293:25, 294:9, 354:13, 378:16, 395:4, 484:18, 498:16, 498:24, 523:2, 523:9, 576:6, 576:7, 576:19, 587:22, 604:4, 605:17, 618:24, 619:3, 648:14, 691:22, 708:22, 727:24, 732:23, 759:20, 806:25 lock [1] - 262:21 Lock [1] - 492:13 locked [2] - 585:1, 839:5 Lockman [1] - 11:1 lodge [3] - 226:22, 547:17, 674:3 lodging [1] - 254:20 loggers [1] - 479:21 logging [15] - 13:21, 15:3, 53:2, 63:23, 185:10, 568:4, 618:23, 632:4, 632:6, 684:21, 688:9, 689:7, 698:4, 698:5, 739:7 logic [1] - 393:21 logical [2] - 706:3, 768:9 logistics [1] - 707:13 long-</p>	<p>distance [1] - 599:6 long-term [17] - 49:19, 62:19, 260:17, 261:8, 261:21, 262:24, 262:25, 435:9, 486:4, 599:18, 604:20, 801:6, 823:7, 823:13, 836:16, 838:15, 843:10 Long-term [2] - 268:19, 438:9 long-time [2] - 73:22, 566:18 longstandin g [1] - 26:3 look [184] - 691:22, 47:6, 59:16, 61:14, 70:12, 76:13, 77:1, 77:11, 79:9, 79:20, 82:10, 82:13, 88:25, 90:8, 90:12, 92:10, 101:20, 101:25, 111:6, 113:1, 113:3, 113:7, 113:11, 115:3, 118:7, 124:16, 126:16, 126:20, 128:5, 129:8, 132:24, 134:15, 137:24, 152:1, 166:3, 166:11, 171:12, 191:10, 192:10, 199:8, 207:25, 209:5, 209:12, 213:4, 213:13, 215:8, 217:9, 221:10, 222:8, 222:18, 224:7, 224:12, 226:20, 227:14, 233:23, 235:23, 249:3, 249:14, 250:8, 251:14, 251:15, 252:12,</p>
--	---	---	--	--	---	--

<p>252:15, 261:7, 263:11, 263:23, 267:8, 267:15, 288:11, 295:17, 295:19, 313:3, 315:19, 316:14, 327:3, 327:8, 331:5, 332:1, 332:3, 347:6, 360:25, 362:4, 367:12, 376:1, 376:3, 376:7, 377:4, 398:5, 406:12, 417:5, 417:9, 417:12, 417:14, 417:18, 431:20, 432:18, 433:2, 433:23, 434:10, 435:7, 437:16, 438:21, 440:25, 453:20, 454:23, 462:15, 465:10, 469:4, 482:14, 489:4, 514:6, 516:13, 532:22, 536:12, 547:11, 547:15, 548:4, 561:25, 573:15, 580:9, 583:20, 584:2, 584:9, 597:17, 602:16, 606:4, 617:3, 621:4, 628:6, 628:16, 640:22, 659:13, 662:2, 662:19, 663:10, 664:9, 667:15, 671:14, 677:21, 685:11, 685:13, 687:10, 690:20, 690:24, 692:25, 693:1, 693:13, 696:9, 698:16, 711:4, 714:20, 747:15, 756:4,</p>	<p>758:6, 769:16, 769:17, 819:14, 833:24, 851:17, 854:20, 855:3, 855:5, 855:8, 855:20, 856:5, 856:8, 856:25, 857:7, 857:9, 869:7, 870:15, 871:2, 873:5, 875:9, 876:10, 884:22, 884:23, 886:9, 887:3</p> <p>Look [1] - 141:20</p> <p>looked [77] - 71:23, 88:21, 90:5, 114:22, 114:23, 171:21, 173:24, 183:19, 206:8, 206:9, 206:21, 212:8, 212:13, 213:9, 216:23, 216:24, 220:12, 221:6, 222:15, 223:15, 251:25, 252:2, 252:3, 278:12, 286:8, 324:4, 342:16, 350:17, 362:7, 365:19, 380:22, 385:19, 417:22, 418:8, 433:11, 435:15, 437:21, 516:6, 517:3, 548:3, 548:24, 555:16, 576:1, 581:17, 608:3, 637:25, 666:3, 675:11, 675:12, 682:4, 695:10, 697:12, 709:5, 710:6, 711:13, 711:21, 711:25, 712:4, 713:19, 714:16, 714:19, 721:7, 756:3, 756:24, 759:17,</p>	<p>759:18, 830:19, 831:10, 831:11, 851:25, 856:11, 859:5, 886:9</p> <p>Looking [3] - 222:1, 222:2, 524:25</p> <p>looking [113] - 4:13, 10:12, 24:3, 39:21, 43:12, 89:23, 103:10, 112:10, 121:5, 121:7, 122:7, 122:12, 133:4, 137:23, 141:1, 192:8, 208:11, 210:25, 211:8, 212:19, 214:12, 216:7, 220:24, 223:13, 232:24, 238:25, 240:1, 246:16, 248:22, 248:23, 251:8, 251:10, 260:17, 261:8, 264:12, 267:18, 275:16, 278:15, 286:22, 287:9, 287:10, 287:11, 298:8, 299:23, 304:15, 305:16, 312:23, 319:15, 319:16, 324:3, 329:12, 337:5, 339:22, 345:25, 346:11, 346:17, 408:5, 409:10, 412:19, 432:20, 434:4, 439:6, 446:24, 453:12, 467:24, 482:6, 500:1, 515:15, 538:5, 547:18, 555:2, 559:6, 577:2, 581:11, 598:8, 606:12,</p>	<p>607:23, 618:5, 647:12, 651:12, 653:9, 663:24, 664:13, 665:22, 668:7, 670:14, 681:9, 681:15, 688:4, 688:10, 690:1, 694:18, 695:1, 696:22, 697:22, 698:2, 703:3, 704:12, 714:21, 718:6, 721:11, 738:19, 831:12, 831:19, 851:2, 854:21, 861:22, 880:2, 886:13</p> <p>lookout [2] - 50:16, 324:13</p> <p>looks [19] - 21:16, 109:21, 147:25, 185:16, 217:11, 218:13, 219:23, 220:10, 224:1, 239:5, 283:10, 328:20, 502:16, 529:17, 531:25, 545:25, 715:25, 736:6, 839:1</p> <p>lose [2] - 485:14, 698:5</p> <p>Loredo [1] - 354:4</p> <p>lose [7] - 18:22, 167:8, 173:7, 370:9, 427:15, 572:16, 573:13</p> <p>losing [5] - 212:21, 348:6, 412:1, 479:2, 479:10</p> <p>loss [19] - 18:11, 49:13, 50:13, 72:4, 72:11, 86:18, 138:19, 365:24, 572:3, 586:11,</p>	<p>586:21, 722:5, 722:6, 731:24, 737:6, 775:8, 776:3, 800:4, 801:8</p> <p>losses [2] - 375:2, 572:16</p> <p>lost [10] - 49:5, 99:1, 111:25, 180:4, 253:11, 346:15, 551:7, 553:25, 623:14, 833:11</p> <p>Lou [2] - 143:15, 847:2</p> <p>loud [1] - 126:15</p> <p>Louise [2] - 132:2, 132:6</p> <p>Louv [1] - 598:17</p> <p>love [27] - 35:10, 46:20, 61:13, 93:15, 107:1, 110:13, 114:19, 124:4, 125:23, 126:20, 458:2, 460:17, 463:19, 463:22, 469:23, 492:15, 496:7, 503:10, 503:16, 503:17, 504:15, 546:11, 557:7, 557:8, 567:1, 598:25</p> <p>loved [2] - 488:18, 496:25</p> <p>lovers [2] - 107:21, 463:25</p> <p>loving [1] - 547:21</p> <p>lovingly [1] - 116:22</p> <p>low [25] - 101:1, 101:19, 144:16, 192:12, 194:7, 194:9, 216:21, 235:7, 235:16, 237:20, 243:10, 244:7,</p>	<p>244:16, 264:10, 340:12, 346:7, 381:8, 437:5, 450:7, 486:13, 640:5, 672:12, 769:21, 769:22, 866:1</p> <p>low-flying [1] - 672:12</p> <p>Lowell [4] - 555:4, 559:11, 559:14, 559:18</p> <p>LOWELL [2] - 559:14, 559:18</p> <p>lower [49] - 29:10, 101:21, 168:10, 192:17, 192:18, 194:16, 212:20, 216:12, 234:23, 242:23, 259:4, 282:2, 337:18, 338:3, 340:14, 344:5, 351:2, 351:5, 351:10, 381:6, 381:9, 381:10, 381:13, 383:14, 403:20, 425:18, 436:2, 437:12, 449:21, 492:10, 524:6, 534:7, 534:8, 554:13, 582:3, 621:15, 663:16, 688:12, 729:18, 741:20, 742:17, 743:7, 745:4, 822:13, 838:9, 867:1, 868:8, 884:9</p> <p>lowered [1] - 212:11</p> <p>lowest [5] - 42:13, 108:15, 734:4, 734:9, 853:11</p> <p>lubricating [2] - 334:8, 863:3</p>	<p>Lucile [1] - 125:15</p> <p>Luckily [1] - 103:4</p> <p>Lucky [1] - 332:16</p> <p>lucky [3] - 36:7, 458:9, 463:24</p> <p>Lucy [1] - 483:16</p> <p>ludicrous [1] - 462:5</p> <p>lulled [1] - 828:17</p> <p>lumbering [1] - 26:9</p> <p>lumberyard [1] - 94:7</p> <p>lumens [2] - 666:23, 670:13</p> <p>luminous [1] - 483:25</p> <p>lump [1] - 699:16</p> <p>lumping [1] - 352:21</p> <p>lunch [9] - 282:20, 283:1, 508:6, 704:25, 705:1, 707:12, 707:13, 707:14, 723:4</p> <p>Lung [8] - 41:12, 44:14, 136:24, 151:23, 153:18, 566:20, 581:5, 827:25</p> <p>lung [11] - 41:15, 41:16, 41:18, 42:1, 42:2, 42:23, 43:23, 43:25, 89:13, 114:11, 827:25</p> <p>lungs [1] - 120:16</p> <p>LURC [97] - 1:13, 1:21, 7:16, 7:21, 8:13, 10:3, 10:4, 31:13, 38:8, 45:11, 45:14, 49:4, 49:15, 54:13, 56:19, 89:23, 95:1, 95:22,</p>
--	--	---	---	---	---	---

96:1, 96:8, 100:12, 109:25, 110:1, 116:10, 122:13, 137:11, 137:13, 138:20, 151:1, 151:9, 151:13, 156:8, 159:24, 160:3, 160:8, 161:2, 195:7, 202:10, 203:14, 206:8, 206:18, 220:24, 349:19, 349:23, 363:17, 399:16, 458:24, 459:9, 464:8, 464:10, 464:12, 464:14, 467:13, 467:18, 470:25, 478:6, 498:8, 498:20, 499:20, 504:3, 519:10, 519:11, 529:5, 549:13, 549:22, 549:25, 575:7, 579:1, 579:9, 581:15, 626:7, 647:10, 647:14, 647:22, 674:18, 674:24, 675:11, 675:15, 685:17, 701:5, 709:7, 709:8, 728:4, 731:9, 738:14, 746:10, 753:6, 755:25, 768:13, 770:8, 774:15, 778:24, 785:21, 811:2, 819:4, 893:7 LURC's [14] - 9:12, 108:10, 201:19, 236:3, 464:19, 464:22, 504:11, 551:23, 638:8,	728:10, 740:3, 745:23, 827:21, 847:18 lust [1] - 37:17 Luther [1] - 463:6 luxury [1] - 79:4 lying [1] - 744:9 lynx [2] - 232:17, 232:20 M M-21-G-8 [1] - 594:19 ma'am [1] - 623:7 Ma'am [2] - 463:15, 619:6 MACALUSO [2] - 638:19, 746:14 Macaluso [3] - 1:19, 155:7, 592:24 machine [6] - 1:20, 245:19, 379:8, 577:22, 577:23, 713:23 machinery [1] - 447:12 machines [5] - 94:25, 95:9, 351:19, 352:2, 352:16 mad [1] - 94:16 madame [1] - 106:13 Madison [1] - 40:13 madness [2] - 38:4, 112:11 Madrid [4] - 37:1, 631:8, 735:11, 739:3 Magazine [1] - 640:25 magazine [3] - 76:5, 505:4, 804:7 magic [1] - 256:8	magical [1] - 249:18 magnificent [5] - 26:15, 69:14, 99:22, 407:10, 527:21 magnified [1] - 43:20 magnitude [2] - 438:7, 452:22 Mahoosic [4] - 478:14, 714:11, 748:15, 748:25 mahoosic [3] - 214:24, 218:20, 715:13 Mahoosics [1] - 497:23 mail [9] - 32:24, 59:14, 300:1, 394:21, 409:10, 721:17, 786:3, 787:12, 787:14 maimed [2] - 105:15 main [9] - 97:1, 134:18, 167:20, 268:8, 272:24, 422:23, 538:11, 561:20, 763:17 Maine [812] - 2:10, 6:7, 10:9, 10:19, 11:17, 11:22, 12:1, 12:3, 12:5, 12:14, 12:23, 12:25, 13:6, 13:7, 13:14, 15:7, 15:14, 15:20, 17:7, 17:17, 18:23, 19:2, 20:2, 22:13, 23:20, 24:17, 24:18, 25:8, 25:13, 31:3, 31:7, 32:9, 32:12, 33:1, 33:21, 35:5, 35:11, 35:13,	35:14, 35:15, 35:17, 35:18, 35:20, 38:13, 41:12, 41:19, 42:13, 42:17, 43:13, 43:19, 43:22, 44:15, 45:13, 49:6, 50:12, 51:9, 51:21, 54:4, 54:5, 54:7, 54:15, 55:1, 56:1, 56:13, 56:20, 56:23, 57:1, 60:22, 61:12, 62:4, 62:5, 62:9, 62:12, 62:21, 63:15, 63:18, 64:11, 64:13, 64:14, 65:4, 65:24, 69:5, 69:19, 69:20, 70:11, 70:25, 71:24, 72:10, 72:19, 73:23, 74:24, 75:10, 76:9, 76:14, 76:18, 76:22, 77:12, 77:15, 79:14, 79:15, 79:17, 79:24, 80:5, 80:6, 80:13, 80:16, 81:7, 81:18, 82:24, 82:25, 83:12, 83:23, 84:9, 85:2, 85:3, 85:20, 85:22, 85:23, 86:1, 86:24, 87:4, 87:20, 87:23, 87:25, 88:7, 89:9, 89:22, 91:8, 93:16, 95:3, 95:6, 95:19, 98:5, 98:17, 99:8, 99:9, 100:5, 100:13, 100:14, 101:1, 101:9, 101:16, 101:19, 101:22, 102:6, 102:8, 103:20, 104:4, 106:19, 106:25, 107:3, 107:8, 107:11, 108:1, 109:7, 111:13,	111:14, 111:16, 111:17, 112:22, 115:15, 117:11, 117:16, 118:8, 119:15, 121:6, 121:21, 122:14, 122:23, 125:18, 125:20, 125:23, 126:10, 127:11, 127:25, 128:1, 128:4, 129:5, 129:16, 130:2, 131:6, 131:14, 133:24, 135:1, 135:8, 136:13, 136:24, 137:7, 137:16, 137:22, 138:9, 138:20, 139:25, 140:10, 141:9, 141:18, 141:22, 142:1, 142:10, 142:20, 142:23, 143:19, 146:5, 146:17, 146:24, 147:10, 148:13, 149:19, 150:11, 150:21, 151:14, 151:17, 151:19, 151:23, 151:25, 152:5, 152:9, 152:12, 152:17, 152:22, 152:25, 153:3, 153:12, 153:18, 153:19, 153:20, 155:13, 157:25, 159:2, 160:4, 164:5, 164:10, 164:19, 165:21, 166:3, 166:11,	168:12, 169:14, 169:23, 171:2, 171:16, 171:19, 171:24, 180:19, 181:4, 183:8, 186:13, 187:6, 187:7, 187:17, 188:2, 188:6, 191:20, 195:6, 198:6, 202:8, 202:13, 202:14, 202:16, 207:14, 220:8, 229:4, 229:15, 230:2, 230:10, 249:15, 249:16, 254:5, 255:1, 255:11, 257:4, 257:18, 257:23, 259:5, 259:13, 259:15, 259:17, 260:4, 260:7, 260:8, 260:11, 260:14, 260:16, 261:24, 262:2, 262:3, 262:6, 263:25, 265:5, 265:17, 266:4, 268:17, 269:16, 272:22, 274:18, 276:15, 284:1, 284:3, 288:11, 297:16, 297:25, 308:24, 309:11, 319:18, 320:11, 320:12, 320:13, 321:3, 321:13, 322:24, 326:24, 329:24, 330:4, 330:11, 330:12, 330:18, 330:24, 331:6, 331:10, 331:16, 331:18, 332:11, 332:12,	332:16, 332:21, 334:10, 336:21, 337:22, 338:25, 342:12, 342:16, 342:20, 342:24, 343:2, 343:9, 343:14, 343:20, 344:2, 344:10, 344:11, 344:21, 355:10, 357:5, 357:6, 357:7, 357:8, 357:17, 358:2, 358:5, 358:7, 358:10, 358:23, 359:12, 373:3, 380:23, 381:1, 381:2, 381:6, 381:13, 381:18, 387:9, 387:11, 392:3, 399:21, 405:7, 406:16, 409:23, 411:4, 411:5, 412:7, 414:19, 415:23, 418:24, 421:1, 424:23, 425:13, 426:17, 426:23, 427:1, 428:17, 429:10, 430:11, 430:15, 430:20, 432:1, 432:11, 432:19, 432:21, 439:9, 442:8, 442:11, 444:19, 445:11, 445:16, 447:7, 447:12, 447:23, 455:9, 455:11, 456:14, 457:3, 458:4, 458:13, 459:3, 463:18, 463:21, 464:7, 472:11, 472:12, 473:11, 474:18,
--	--	---	--	--	---	--

474:22, 474:25, 475:24, 476:7, 476:11, 477:6, 478:9, 478:10, 479:12, 480:3, 483:13, 484:20, 484:22, 486:16, 486:18, 487:1, 488:10, 488:21, 488:23, 489:16, 490:7, 490:23, 491:6, 491:24, 492:1, 492:14, 492:19, 493:12, 493:17, 493:18, 493:23, 494:4, 496:8, 496:24, 497:3, 497:19, 498:1, 498:3, 500:5, 500:18, 500:20, 500:22, 500:25, 501:10, 501:16, 501:20, 501:25, 503:10, 503:16, 503:19, 503:22, 503:25, 504:7, 507:14, 507:17, 508:1, 509:16, 513:15, 515:2, 516:19, 517:20, 518:11, 518:14, 518:15, 519:10, 519:17, 520:22, 520:23, 521:2, 522:8, 522:13, 522:14, 522:16, 523:2, 525:1, 526:4, 526:6, 526:8, 528:14, 528:15, 528:22, 530:2, 530:9, 532:21,	535:6, 536:12, 536:20, 538:5, 540:12, 541:10, 542:3, 544:1, 544:3, 544:19, 545:18, 546:6, 551:2, 552:11, 552:16, 552:17, 552:18, 552:19, 553:1, 553:4, 553:6, 553:8, 553:13, 553:18, 553:21, 554:2, 554:15, 554:18, 555:6, 555:9, 556:9, 558:18, 558:22, 561:6, 562:11, 562:12, 563:16, 563:21, 564:15, 564:17, 565:17, 565:23, 566:2, 566:8, 566:19, 566:20, 567:3, 574:1, 574:11, 578:3, 580:10, 580:20, 581:1, 581:5, 581:9, 581:10, 583:6, 583:7, 583:8, 585:18, 585:22, 585:23, 587:21, 590:18, 590:20, 591:3, 591:8, 593:5, 596:13, 596:16, 596:19, 596:25, 598:7, 600:11, 600:13, 611:3, 611:5, 612:18, 612:20, 615:8, 623:16, 629:15, 641:21, 641:25, 642:25, 647:22, 649:12, 675:9, 680:16,	681:20, 685:17, 685:18, 686:4, 694:25, 696:1, 708:5, 708:18, 709:21, 716:24, 716:25, 718:9, 723:17, 723:19, 723:25, 724:9, 724:10, 726:14, 727:13, 727:16, 727:23, 728:3, 731:16, 735:10, 735:11, 736:8, 736:14, 737:9, 737:11, 737:14, 741:9, 742:6, 744:14, 745:18, 745:21, 747:9, 748:4, 748:5, 748:11, 748:23, 749:18, 751:22, 752:17, 761:10, 762:1, 762:2, 763:9, 763:11, 764:10, 764:14, 764:19, 765:3, 765:5, 767:6, 768:4, 771:14, 775:16, 778:15, 778:17, 779:14, 784:1, 787:20, 788:11, 792:8, 793:9, 800:21, 805:11, 805:20, 814:6, 814:8, 814:12, 815:17, 816:10, 816:11, 816:15, 816:24, 816:25, 817:2, 817:7, 817:9, 817:12, 817:16, 817:24, 818:15, 818:22, 819:9,	819:14, 819:15, 819:24, 820:3, 820:4, 820:8, 820:12, 820:16, 820:17, 820:18, 820:21, 820:22, 820:25, 821:1, 821:2, 821:10, 821:13, 821:25, 822:5, 823:2, 823:3, 823:6, 823:12, 823:14, 823:22, 824:23, 825:25, 826:23, 826:25, 827:17, 827:23, 828:9, 828:25, 829:13, 835:9, 835:16, 835:20, 836:2, 836:13, 837:17, 837:19, 837:20, 838:20, 839:15, 839:21, 839:23, 841:8, 842:11, 842:20, 843:9, 843:13, 846:7, 846:8, 846:9, 846:10, 848:14, 851:23, 851:24, 851:25, 852:4, 852:5, 852:15, 858:16, 858:17, 860:5, 860:7, 860:19, 860:21, 863:20, 864:8, 865:15, 867:16, 868:8, 868:13, 868:20, 868:23, 870:9, 871:24, 871:25, 872:4, 872:15, 872:17, 872:19,	872:20, 873:2, 873:8, 873:10, 873:15, 873:23, 874:12, 875:15, 875:25, 878:12, 878:14, 878:15, 878:23, 878:25, 879:2, 883:13, 883:22, 883:23, 884:1, 884:2, 884:6, 884:8, 884:10, 884:19, 885:19, 889:10, 889:18, 889:23, 890:11, 890:15, 891:10 Maine's [63] - 12:6, 25:24, 26:1, 26:5, 37:20, 43:2, 43:16, 45:14, 49:3, 54:9, 55:4, 55:15, 72:1, 74:4, 89:15, 89:19, 101:19, 101:20, 123:3, 150:1, 150:6, 150:18, 164:7, 170:6, 187:20, 263:12, 321:9, 321:20, 342:19, 428:23, 430:11, 457:12, 482:19, 488:1, 491:11, 491:17, 493:10, 494:16, 498:25, 499:22, 526:19, 527:21, 528:25, 529:4, 529:6, 575:6, 727:25, 737:24, 816:20, 816:21, 818:20, 819:1,	819:25, 820:1, 824:1, 824:5, 837:3, 856:10, 872:9, 873:24, 874:15, 884:8 Maine- based [1] - 817:24 Maine-made [2] - 820:22, 821:2 Maine/New [1] - 409:15 Mainer [6] - 32:22, 35:4, 67:17, 75:18, 117:2, 122:17 Mainers [14] - 36:7, 49:23, 51:8, 62:17, 62:24, 64:6, 67:17, 75:14, 75:19, 104:10, 152:14, 528:17, 537:4, 821:4 mainstream [1] - 817:10 maintain [10] - 137:16, 178:7, 179:15, 208:11, 258:12, 531:2, 549:22, 740:7, 752:7, 752:13 maintainabl e [1] - 195:19 maintained [8] - 53:13, 179:11, 311:2, 406:20, 406:22, 614:9, 735:15, 881:15 maintainer [3] - 37:11, 138:8, 503:5 maintaining [9] - 179:12, 195:21, 199:12, 487:13, 487:15, 535:10, 724:3, 752:10, 889:25 maintains [2] - 243:22, 820:11 maintenanc	e [24] - 2:21, 6:21, 52:3, 52:7, 158:21, 178:3, 178:5, 178:10, 178:24, 179:7, 179:9, 197:14, 203:23, 376:15, 377:10, 377:15, 443:1, 452:15, 452:18, 453:22, 612:23, 691:13, 763:17 Maintenanc e [2] - 377:13, 378:20 majestic [1] - 543:5 majesties [1] - 38:2 majesty [4] - 467:13, 467:14, 510:16, 511:24 Major [1] - 489:14 major [37] - 95:2, 103:5, 104:22, 128:5, 129:19, 131:12, 187:8, 240:4, 393:13, 405:10, 432:15, 436:8, 481:21, 481:22, 488:2, 488:8, 534:19, 571:2, 591:14, 591:17, 616:14, 620:22, 650:13, 650:18, 654:10, 663:20, 663:23, 676:6, 677:1, 703:6, 721:1, 723:25, 763:8, 774:12, 812:16, 825:7, 848:21 majority [6] - 20:1, 264:1, 323:13, 329:8, 840:2, 860:24
---	---	--	--	---	--	---

<p>makers [1] - 818:24</p> <p>Makers [1] - 61:3</p> <p>males [1] - 301:15</p> <p>malls [1] - 46:4</p> <p>mammals [2] - 104:19, 299:19</p> <p>man [24] - 74:15, 116:21, 249:5, 374:4, 376:22, 377:8, 379:5, 379:6, 387:15, 458:18, 459:19, 482:6, 496:8, 497:10, 510:10, 513:14, 555:22, 575:14, 636:11, 678:4, 678:7, 739:12, 802:4</p> <p>man's [1] - 37:17</p> <p>man-made [8] - 249:5, 482:6, 497:10, 555:22, 636:11, 678:4, 678:7, 739:12</p> <p>manage [6] - 175:15, 202:1, 475:12, 479:16, 749:10, 817:13</p> <p>managed [5] - 475:1, 603:5, 612:14, 612:17, 613:11</p> <p>managemen t [56] - 84:9, 158:18, 198:6, 221:12, 377:2, 440:16, 474:24, 475:4, 479:6, 496:14, 600:18, 600:25, 601:2, 601:3, 601:7, 601:15, 602:5, 602:24, 603:4, 603:6, 607:24, 609:19,</p>	<p>609:21, 609:22, 610:1, 610:6, 612:22, 612:25, 618:23, 624:14, 626:2, 626:5, 626:7, 626:8, 626:12, 626:19, 626:23, 626:24, 627:1, 627:2, 630:6, 630:16, 635:4, 639:17, 639:19, 640:15, 645:3, 645:6, 645:7, 645:8, 645:19, 645:20, 650:13, 746:22, 778:14</p> <p>Managemen t [4] - 320:20, 624:4, 624:12, 683:15</p> <p>manager [8] - 84:14, 84:20, 179:1, 377:6, 377:14, 378:13, 595:14, 595:18</p> <p>managers [1] - 802:5</p> <p>manages [2] - 178:21, 377:8</p> <p>managing [7] - 152:6, 165:1, 190:7, 331:24, 477:14, 595:20, 613:6</p> <p>Manan [1] - 759:22</p> <p>mandate [5] - 410:2, 410:16, 410:17, 410:21, 842:25</p> <p>mandated [1] - 275:21</p> <p>Manhattan [2] - 449:4, 449:6</p> <p>manifestati on [1] - 421:20</p> <p>manifestati ons [1] - 462:19</p>	<p>manipulate [2] - 609:9, 643:23</p> <p>mankind [1] - 462:25</p> <p>manmade [3] - 236:14, 632:10, 636:4</p> <p>Mann [21] - 9:23, 10:7, 16:13, 163:24, 329:17, 344:16, 348:8, 351:15, 353:5, 353:7, 360:17, 363:20, 365:15, 367:7, 373:11, 376:25, 379:10, 379:12, 381:25, 382:2, 871:12</p> <p>MANN [21] - 10:3, 163:24, 180:18, 181:8, 181:11, 181:18, 182:8, 189:21, 190:13, 191:5, 192:7, 193:5, 193:7, 194:3, 279:22, 280:24, 281:2, 282:7, 329:19, 329:21, 367:3</p> <p>manner [2] - 202:4, 817:21</p> <p>Manual [1] - 287:5</p> <p>manufactur e [1] - 520:1</p> <p>manufactur ed [2] - 197:22, 668:17</p> <p>manufactur ed-type [1] - 668:17</p> <p>manufactur er [4] - 12:18, 178:23, 377:9, 862:8</p> <p>manufactur ers [1] - 483:25</p> <p>manufacturi ng [1] - 256:13</p> <p>Manushi [1] - 248:22</p> <p>Manzaka [2] - 444:8, 447:4</p>	<p>MANZAKA [1] - 447:4</p> <p>map [22] - 116:13, 166:3, 196:11, 197:11, 209:21, 289:3, 293:6, 301:19, 302:2, 313:21, 397:1, 397:7, 429:11, 430:2, 635:20, 698:13, 710:20, 720:2, 729:1, 741:17, 762:1, 762:10</p> <p>maple [3] - 18:13, 55:12, 146:17</p> <p>maple/birch [1] - 406:18</p> <p>maples [1] - 18:12</p> <p>mapped [10] - 202:8, 285:22, 429:25, 710:15, 715:15, 715:16, 720:21, 742:16, 742:21, 750:8</p> <p>mapping [6] - 235:19, 289:8, 293:7, 313:22, 314:4, 720:23</p> <p>maps [9] - 52:8, 196:9, 294:6, 311:23, 708:14, 710:20, 711:7, 720:14</p> <p>marathon [1] - 893:10</p> <p>march [1] - 146:13</p> <p>March [6] - 8:16, 161:5, 355:14, 393:15, 548:1, 783:4</p> <p>March/April [1] - 355:13</p> <p>Marcia [32] - 1:18, 5:10, 6:1, 155:7, 157:20, 162:18, 162:19,</p>	<p>318:10, 335:8, 386:10, 394:22, 399:16, 414:6, 442:2, 442:6, 443:19, 559:12, 566:10, 566:11, 590:13, 592:23, 593:11, 594:13, 623:4, 669:9, 671:1, 696:19, 709:12, 721:17, 753:12, 786:16, 893:15</p> <p>Marcia's [2] - 593:24, 769:25</p> <p>margin [6] - 425:17, 490:8, 855:6, 857:12, 888:14, 888:20</p> <p>marginal [22] - 102:22, 259:11, 337:2, 338:8, 343:6, 343:9, 343:10, 343:12, 380:23, 404:12, 423:20, 424:6, 425:21, 737:19, 756:19, 760:8, 855:4, 868:7, 868:21, 877:14, 877:23</p> <p>Marguerite [4] - 61:21, 64:18, 64:20, 65:3</p> <p>Marine [1] - 141:14</p> <p>marine [1] - 398:4</p> <p>Marines [1] - 114:25</p> <p>mark [6] - 112:3, 414:5, 414:7, 643:12, 659:5, 734:14</p> <p>marked [8] - 233:17, 235:1,</p>	<p>318:9, 321:5, 495:8, 715:11, 783:3, 802:8</p> <p>market [51] - 108:12, 108:24, 165:20, 168:2, 181:3, 182:25, 192:25, 260:9, 262:25, 263:1, 271:7, 281:17, 339:22, 339:23, 339:25, 340:18, 340:25, 341:7, 358:18, 358:21, 371:4, 425:2, 435:18, 436:9, 436:20, 436:21, 451:9, 466:17, 559:2, 575:2, 587:3, 587:18, 590:10, 609:2, 812:24, 820:17, 823:5, 837:3, 837:13, 839:1, 864:14, 865:21, 866:21, 879:1, 880:18, 881:3, 881:6, 881:17, 881:18</p> <p>Market [4] - 274:23, 322:18, 323:19, 449:7</p> <p>market- based [1] - 341:7</p> <p>marketed [2] - 164:6, 559:5</p> <p>marketers [1] - 818:2</p> <p>marketing [9] - 181:2, 181:6, 188:1, 359:10, 359:11, 556:25, 557:2, 752:2, 823:3</p> <p>marketplace [1] - 836:19</p> <p>markets [9] - 359:14, 431:6, 431:7, 479:2, 479:4, 479:19, 587:15, 818:1, 830:1</p> <p>marking [2] -</p>	<p>52:7, 780:8</p> <p>marks [1] - 248:11</p> <p>married [1] - 474:8</p> <p>marry [1] - 133:20</p> <p>Mars [11] - 85:16, 85:18, 582:9, 582:12, 582:13, 641:25, 750:3, 767:10, 767:12, 767:15, 767:19</p> <p>Marsh [2] - 555:2, 769:20</p> <p>Mart [1] - 475:22</p> <p>Martha [4] - 523:15, 525:11, 525:15, 527:12</p> <p>Martin [1] - 463:6</p> <p>marvelled [1] - 19:20</p> <p>Mary [5] - 106:17, 106:23, 109:15, 483:16, 847:2</p> <p>Mary's [1] - 141:1</p> <p>Maryland [6] - 141:2, 405:19, 542:4, 866:20, 879:19, 882:24</p> <p>Mason [1] - 83:14</p> <p>Mass [1] - 503:2</p> <p>mass [3] - 73:1, 230:17, 230:22</p> <p>Massachus etts [26] - 46:1, 267:13, 409:25, 432:16, 436:9, 436:23, 445:2, 483:12, 503:8, 503:20, 563:20, 673:25, 776:12,</p>
--	--	---	--	--	---	--

<p>819:11, 819:16, 872:14, 878:19, 879:4, 879:15, 879:19, 879:20, 880:12, 882:12, 882:14, 882:16, 882:17 MASSE [5] - 5:7, 73:6, 157:17, 441:22, 594:12 masses [1] - 289:16 massive [2] - 37:24, 524:14 master [1] - 63:2 mat [1] - 540:9 MATC [2] - 283:4, 680:15 match [7] - 272:16, 403:4, 403:6, 403:9, 403:24, 588:2, 853:13 Matched [1] - 423:17 matched [6] - 402:14, 402:25, 403:12, 423:14, 661:15, 750:2 matches [1] - 403:7 matching [1] - 834:19 material [33] - 3:21, 50:22, 157:5, 198:10, 206:5, 211:6, 211:12, 214:16, 214:19, 215:5, 215:7, 216:22, 217:12, 218:2, 218:5, 218:6, 218:15, 218:19, 218:21, 244:24, 258:14, 432:14,</p>	<p>485:17, 571:23, 572:21, 592:17, 742:23, 766:11, 766:12, 766:20, 781:12, 782:10, 833:16 materials [14] - 7:18, 61:3, 160:1, 197:22, 207:7, 211:15, 214:17, 216:21, 434:5, 439:2, 485:15, 766:16, 782:9 math [2] - 412:11, 633:19 mathematic al [1] - 577:19 mathematic ally [1] - 589:19 matit.org [1] - 521:3 matrix [1] - 283:3 Matt [7] - 122:12, 125:13, 525:15, 689:12, 690:6, 704:17 matter [38] - 2:9, 5:16, 5:18, 6:12, 40:6, 98:9, 146:9, 154:11, 155:13, 158:8, 163:22, 214:15, 215:2, 216:16, 216:17, 277:9, 287:15, 359:24, 414:25, 415:13, 418:7, 439:5, 442:16, 485:1, 489:22, 495:19, 523:13, 593:5, 619:7, 635:23, 677:10, 727:21, 736:22, 801:18, 846:4,</p>	<p>869:6, 880:4, 888:19 matters [3] - 9:8, 161:25, 845:12 Matthew [4] - 98:24, 100:9, 100:10, 100:11 mature [2] - 66:13, 451:21 maturity [1] - 451:22 maximize [1] - 197:9 maximum [9] - 197:9, 197:20, 220:19, 228:7, 308:20, 308:24, 634:4, 652:7, 676:11 maxing [1] - 148:21 MAXWELL [1] - 93:20 Maxwell [2] - 91:19, 93:19 McCabe [1] - 11:4 McGusty [1] - 867:9 McKee [4] - 466:23, 468:1, 468:4, 614:25 McLeisch [21] - 259:24, 267:22, 268:7, 268:14, 269:4, 272:1, 272:9, 273:18, 274:8, 274:15, 275:7, 275:10, 275:13, 275:23, 275:25, 276:6, 276:8, 276:24, 277:3, 277:6 McLeish [3] - 180:25, 359:9, 834:18 McMahon [1] - 283:21 McMillan [1] - 143:13 MD [3] - 729:5, 730:8, 731:1 MDEP [4] - 650:22,</p>	<p>650:23, 651:1, 651:6 MDOT [2] - 723:14, 763:16 meadows [1] - 501:14 meals [1] - 72:16 mean [45] - 4:19, 77:23, 83:9, 136:10, 193:18, 244:14, 257:2, 275:23, 286:4, 287:17, 297:20, 309:8, 312:21, 321:25, 333:19, 411:6, 420:19, 435:7, 519:3, 520:16, 579:2, 581:11, 582:5, 607:10, 617:10, 631:19, 662:5, 665:15, 668:18, 678:12, 691:20, 693:13, 693:20, 695:10, 712:10, 714:18, 746:6, 758:1, 758:5, 775:20, 783:16, 796:12, 840:18, 860:8 meander [1] - 290:23 meaning [14] - 252:10, 390:11, 402:19, 633:8, 633:11, 648:23, 657:18, 679:5, 746:6, 754:19, 767:6, 775:9, 821:15, 834:1 meaningful [1] - 429:10 meanings s [1] - 745:20 meanings [1] - 618:15 means [30] - 17:19, 27:19,</p>	<p>29:14, 35:17, 47:23, 59:21, 78:9, 146:18, 189:15, 200:24, 248:19, 262:15, 264:1, 279:18, 292:16, 312:22, 408:5, 408:6, 408:8, 449:23, 506:11, 567:6, 630:11, 630:17, 646:17, 648:23, 654:18, 760:17, 818:22, 853:24 meant [5] - 706:17, 760:16, 775:12, 801:11, 844:2 meantime [1] - 77:22 measure [6] - 171:25, 304:8, 396:16, 399:6, 734:12, 849:17 measured [6] - 171:20, 172:15, 226:24, 525:2, 565:8, 602:19 measureme nts [1] - 659:1 measures [6] - 107:15, 199:7, 209:13, 395:5, 498:2, 774:20 measuring [1] - 250:25 meat [1] - 449:9 mechanical [1] - 376:16 mechanism [2] - 433:1, 843:11 mechanism s [3] - 371:4, 435:4, 843:6 median [1] - 716:8 meditative</p>	<p>[1] - 105:19 medium [3] - 243:15, 254:4, 764:5 medium- sized [1] - 254:4 meet [36] - 43:4, 86:3, 164:5, 174:1, 175:23, 259:21, 272:24, 277:12, 310:17, 332:2, 402:3, 402:19, 410:1, 450:5, 450:21, 493:7, 512:6, 519:7, 554:9, 603:7, 610:7, 626:9, 685:22, 819:15, 819:21, 822:22, 828:10, 840:18, 851:24, 851:25, 853:6, 854:1, 856:2, 864:2, 872:13, 888:13 meeting [20] - 7:20, 94:20, 95:17, 160:3, 161:5, 161:15, 293:10, 400:5, 410:21, 433:5, 499:20, 506:20, 506:25, 513:8, 563:11, 564:5, 570:4, 665:6, 787:25, 894:1 meetings [1] - 31:19 meets [7] - 2:24, 155:22, 451:3, 510:18, 610:5, 610:8, 878:23 megabyte [1] - 606:11 megawatt [31] - 10:11, 194:12, 194:14, 200:9, 335:24, 338:14, 349:14,</p>	<p>349:19, 352:1, 352:14, 378:8, 403:15, 404:8, 434:19, 435:25, 436:3, 436:10, 436:13, 437:7, 583:25, 589:20, 805:5, 839:25, 855:15, 864:9, 865:10, 869:18, 874:23, 880:21, 887:24 megawatts [63] - 97:14, 153:14, 165:4, 167:14, 168:5, 168:7, 168:8, 174:24, 176:9, 178:10, 178:11, 178:12, 178:16, 184:23, 185:2, 185:3, 185:4, 200:22, 350:1, 351:20, 351:23, 352:4, 352:7, 352:10, 352:12, 352:17, 353:11, 408:6, 419:20, 420:2, 420:7, 434:4, 434:23, 437:17, 438:2, 439:12, 571:24, 572:25, 573:9, 573:10, 577:2, 577:7, 577:8, 577:11, 577:14, 577:17, 577:20, 583:25, 586:3, 591:6, 814:11, 818:23, 822:24, 849:20, 853:22, 853:24, 874:25, 876:17, 879:6, 884:20, 886:16, 887:16 Megunticoo</p>
--	---	---	--	--	--	---

<p>k [1] - 580:17</p> <p>MEIC's [1] - 823:5</p> <p>Melber [3] - 523:16, 527:14, 527:18</p> <p>MELBER [2] - 527:14, 527:18</p> <p>Melissa [7] - 1:19, 149:11, 155:7, 455:6, 592:23, 746:12, 893:9</p> <p>Melissa's [1] - 283:10</p> <p>melt [5] - 28:15, 56:22, 314:15, 440:25, 565:14</p> <p>melted [1] - 28:1</p> <p>melting [1] - 68:20</p> <p>Melvin [2] - 847:1, 847:2</p> <p>member [27] - 16:24, 62:7, 62:8, 67:22, 73:22, 82:1, 82:24, 82:25, 84:12, 84:15, 86:22, 119:17, 121:17, 357:24, 409:8, 483:5, 491:25, 555:8, 557:4, 624:23, 707:24, 710:12, 751:9, 802:5, 802:6, 837:20</p> <p>members [51] - 1:10, 9:20, 38:7, 41:10, 52:4, 65:16, 73:19, 96:17, 100:16, 128:10, 135:1, 156:13, 161:19, 162:18, 169:19, 187:5, 229:9, 283:25, 284:7, 285:3, 288:21, 291:16, 319:17, 330:3,</p>	<p>330:5, 330:12, 358:11, 401:4, 401:8, 464:10, 468:1, 474:13, 491:5, 492:18, 560:21, 566:18, 592:21, 595:12, 731:13, 739:16, 777:16, 786:21, 787:8, 788:4, 803:5, 817:20, 839:19, 840:3, 840:8, 846:25, 893:13</p> <p>membershi p [3] - 529:22, 777:12, 804:7</p> <p>memo [2] - 74:1, 394:17</p> <p>memory [7] - 18:14, 488:17, 488:19, 529:7, 533:16, 665:17, 677:23</p> <p>men [2] - 378:9, 548:17</p> <p>Men [1] - 105:13</p> <p>mentally [1] - 779:6</p> <p>mention [17] - 11:14, 175:21, 376:18, 478:25, 520:21, 520:25, 521:12, 523:24, 557:6, 615:12, 674:19, 675:1, 725:5, 732:12, 802:15, 813:20, 867:8</p> <p>mentioned [52] - 15:4, 39:1, 39:25, 47:21, 92:7, 97:2, 101:10, 143:22, 168:25, 172:5, 172:8, 176:5, 213:5, 218:20, 265:19, 270:22,</p>	<p>306:11, 333:17, 353:3, 384:12, 409:1, 409:7, 430:23, 436:7, 439:18, 467:9, 478:24, 479:12, 511:8, 512:6, 562:6, 568:8, 569:3, 577:1, 577:25, 578:9, 584:12, 615:13, 639:1, 660:22, 696:21, 700:24, 731:3, 735:20, 780:17, 787:24, 835:23, 842:19, 843:22, 844:23, 845:24, 874:5</p> <p>mentions [1] - 810:9</p> <p>Mercantile [1] - 435:19</p> <p>mercury [13] - 553:12, 553:15, 564:9, 564:12, 581:18, 793:18, 826:19, 826:24, 826:25, 827:2, 842:1, 842:3</p> <p>mere [4] - 51:18, 52:15, 224:22, 646:19</p> <p>merely [1] - 144:4</p> <p>merge [1] - 290:16</p> <p>merged [1] - 215:22</p> <p>merit [3] - 151:15, 212:4, 372:20</p> <p>meritus [1] - 725:13</p> <p>Merrill [5] - 62:4, 63:1, 63:7, 97:20, 98:25</p> <p>MERRILL [2] - 98:25, 99:2</p> <p>mesa [1] - 354:3</p>	<p>Mesa [2] - 178:20, 354:3</p> <p>mess [1] - 706:16</p> <p>message [3] - 49:3, 64:24, 317:7</p> <p>met [16] - 171:24, 172:16, 203:14, 327:9, 373:13, 409:25, 461:7, 627:14, 627:15, 764:14, 771:11, 788:18, 795:23, 847:18, 848:1, 848:9</p> <p>metal [2] - 68:4, 826:19</p> <p>metals [1] - 826:17</p> <p>Metco [1] - 711:25</p> <p>meteor [1] - 99:23</p> <p>meteorologi cal [4] - 402:24, 418:25, 419:5, 769:17</p> <p>meteorologi st [1] - 419:1</p> <p>meteorolog y [1] - 419:4</p> <p>meters [26] - 36:6, 233:3, 235:4, 237:13, 237:20, 237:22, 238:7, 238:11, 238:12, 240:15, 241:14, 241:24, 242:2, 242:6, 244:15, 296:22, 388:18, 388:19, 565:8, 565:9, 642:15, 659:7, 659:16, 659:17, 733:9, 733:22</p> <p>method [2] - 405:16</p> <p>methodolog ical [1] -</p>	<p>784:25</p> <p>methodolog ies [3] - 251:2, 251:4, 789:5</p> <p>methodolog y [15] - 247:24, 250:5, 326:21, 326:22, 327:2, 327:3, 398:8, 422:20, 422:21, 627:1, 645:17, 645:18, 645:20, 645:23, 789:6</p> <p>methods [9] - 200:4, 201:18, 214:5, 402:13, 405:20, 478:24, 528:16, 681:24, 726:4</p> <p>Mexico [4] - 62:3, 178:20, 353:24, 353:25</p> <p>MIA [2] - 529:18, 530:20</p> <p>mic [5] - 149:16, 163:17, 527:16, 543:23, 889:11</p> <p>Michael [1] - 362:10</p> <p>Michigan [1] - 861:19</p> <p>micro [1] - 347:10</p> <p>microbial [1] - 216:18</p> <p>microphone [12] - 3:15, 33:7, 88:10, 163:18, 334:19, 373:10, 444:6, 593:22, 605:9, 780:13, 847:5, 848:16</p> <p>microphone s [1] - 797:4</p> <p>mid [6] - 7:17, 83:12, 226:12, 348:7, 402:6, 507:14</p> <p>mid-18th [1] - 62:5</p>	<p>mid-1990s [1] - 159:25</p> <p>mid-70s [2] - 483:13, 601:5</p> <p>mid-ground [1] - 226:12</p> <p>middle [27] - 133:3, 177:6, 221:13, 221:17, 227:3, 247:8, 275:1, 394:24, 437:18, 489:14, 546:18, 580:12, 603:1, 640:5, 640:16, 652:23, 653:18, 657:21, 657:22, 657:23, 658:15, 684:19, 725:22, 734:7, 743:24, 779:25, 809:15</p> <p>Middle [6] - 59:12, 64:8, 114:24, 468:18, 657:13, 657:17</p> <p>middle-aged [1] - 580:12</p> <p>midst [1] - 51:23</p> <p>Midwest [2] - 77:24, 91:8</p> <p>midwest [5] - 375:18, 481:22, 484:5, 488:8, 490:5</p> <p>might [94] - 4:8, 30:20, 43:9, 47:7, 48:13, 49:16, 55:21, 81:17, 89:16, 118:24, 119:4, 154:13, 190:12, 206:23, 212:20, 215:12, 218:15, 218:16, 218:17, 226:25,</p>	<p>238:11, 246:8, 264:22, 268:18, 270:6, 271:1, 271:23, 276:11, 310:24, 320:7, 335:10, 338:22, 371:18, 375:25, 376:3, 377:5, 377:20, 381:17, 423:5, 424:5, 424:20, 438:2, 438:3, 440:22, 486:8, 491:15, 492:10, 499:3, 503:2, 503:7, 504:25, 518:10, 524:10, 525:3, 551:5, 551:7, 558:14, 563:24, 584:12, 590:4, 612:13, 634:22, 635:9, 636:3, 636:17, 638:3, 648:9, 649:24, 653:20, 656:1, 668:21, 671:24, 679:14, 688:3, 689:8, 693:16, 700:12, 702:20, 717:23, 760:23, 788:11, 794:13, 812:25, 822:8, 840:20, 858:6, 862:18, 866:22, 867:8, 870:10, 870:24, 883:2</p> <p>mighty [1] - 459:11</p> <p>migrant [1] - 294:25</p> <p>migrants [1] - 243:10</p> <p>migrate [6] - 144:13, 144:14, 243:14, 800:5, 800:12, 804:4</p> <p>migrating [13] - 144:12,</p>
---	--	--	--	---	--	---

<p>144:15, 237:8, 302:11, 303:13, 305:16, 391:18, 391:25, 733:14, 734:20, 759:13, 759:18, 759:19</p> <p>Migration [1] - 243:13</p> <p>migration [10] - 235:4, 237:20, 242:9, 242:10, 244:8, 398:2, 524:17, 586:10, 803:10, 825:9</p> <p>migratory [6] - 145:7, 234:11, 236:20, 731:23, 734:24, 790:7</p> <p>mild [3] - 196:16, 197:1, 337:17</p> <p>milder [1] - 562:10</p> <p>mile [27] - 10:16, 92:3, 115:12, 198:2, 221:16, 237:14, 318:1, 318:6, 345:18, 429:17, 466:14, 502:14, 546:17, 564:18, 566:17, 575:24, 660:4, 669:20, 671:18, 672:6, 702:14, 702:23, 711:15, 713:24, 738:23, 738:24</p> <p>mile-by-mile [1] - 575:24</p> <p>mileage [4] - 68:17, 120:25, 531:17, 743:11</p> <p>miles [112] - 6:24, 7:11,</p>	<p>10:18, 29:4, 29:6, 29:21, 32:4, 37:2, 71:5, 98:17, 108:7, 120:23, 124:11, 124:25, 134:11, 144:11, 159:7, 159:18, 183:20, 221:17, 221:23, 221:24, 222:3, 222:4, 222:5, 222:10, 223:11, 226:5, 226:12, 226:18, 226:24, 227:2, 227:3, 229:23, 247:18, 249:23, 288:4, 290:19, 317:23, 320:24, 329:8, 329:9, 345:14, 350:19, 412:17, 429:17, 429:19, 443:5, 456:4, 456:5, 492:1, 492:14, 497:19, 502:3, 532:4, 565:14, 586:10, 602:17, 602:22, 604:2, 606:24, 607:2, 607:3, 607:5, 607:9, 607:12, 607:20, 616:8, 617:1, 635:7, 635:8, 640:11, 640:16, 659:22, 660:11, 665:16, 672:13, 672:21, 672:23, 684:17, 686:19, 708:14, 711:11, 712:9, 713:11, 724:5, 742:3, 743:19, 744:8, 744:15, 744:16, 744:19, 746:20, 748:4,</p>	<p>750:5, 767:2, 767:20, 807:19, 807:20, 807:24, 807:25, 809:23, 810:2, 810:5, 889:21</p> <p>Milky [1] - 670:1</p> <p>mill [3] - 142:20, 492:18, 711:23</p> <p>Miller [3] - 38:5, 41:9, 41:11</p> <p>MILLER [1] - 41:10</p> <p>millimeter [4] - 608:8, 678:17, 688:2</p> <p>million [55] - 10:11, 42:23, 65:18, 81:14, 153:7, 153:8, 153:15, 173:8, 253:16, 253:19, 254:2, 265:13, 280:17, 280:19, 281:5, 282:6, 370:3, 370:4, 450:25, 507:10, 507:18, 513:22, 549:2, 549:4, 549:5, 563:13, 564:15, 564:16, 564:17, 571:4, 571:17, 583:24, 583:25, 584:9, 711:15, 711:16, 723:21, 770:7, 820:19, 825:14, 865:7, 870:13, 870:16, 870:18, 870:23, 870:24, 871:6, 871:8, 871:9, 871:10</p> <p>millions [7] - 35:12, 45:4, 109:10, 412:5,</p>	<p>479:19, 640:21, 783:5</p> <p>mills [4] - 83:7, 255:10, 479:10, 832:23</p> <p>Mills [2] - 492:14, 591:18</p> <p>Millstone [1] - 564:4</p> <p>mimic [1] - 652:8</p> <p>mimics [2] - 652:3, 653:22</p> <p>mind [31] - 59:6, 82:6, 109:19, 163:4, 190:12, 232:2, 246:3, 249:22, 257:1, 284:19, 325:1, 329:20, 445:10, 467:9, 496:20, 502:10, 502:12, 502:19, 523:8, 529:10, 546:9, 546:15, 550:2, 550:5, 618:13, 626:5, 631:8, 678:24, 828:15, 828:20, 856:4</p> <p>minded [1] - 75:23</p> <p>minders [1] - 116:17</p> <p>mindful [1] - 483:16</p> <p>minds [3] - 50:9, 255:24, 458:5</p> <p>mindset [2] - 97:11, 97:15</p> <p>mine [13] - 21:6, 297:15, 425:18, 425:21, 469:12, 469:13, 504:7, 531:11, 539:18, 548:2, 794:17, 862:21, 877:1</p> <p>mineral [2] - 216:15, 772:16</p> <p>mines [3] - 22:19, 23:3,</p>	<p>23:8</p> <p>Mingo [1] - 847:1</p> <p>minimal [11] - 64:4, 173:13, 176:14, 184:7, 223:18, 313:6, 482:3, 622:24, 623:3, 741:22, 887:15</p> <p>minimizatio n [1] - 171:4</p> <p>minimize [19] - 13:23, 14:4, 18:17, 137:20, 172:22, 197:24, 208:15, 222:16, 223:13, 236:13, 239:22, 261:1, 317:7, 498:15, 509:4, 647:16, 692:2, 711:3, 725:9</p> <p>minimized [7] - 87:9, 174:8, 196:22, 197:7, 220:19, 228:7, 448:5</p> <p>minimizing [5] - 18:5, 19:13, 173:15, 233:8, 392:25</p> <p>minimum [10] - 157:10, 177:24, 197:21, 212:22, 259:21, 370:9, 450:8, 655:17, 862:15, 886:25</p> <p>mining [3] - 77:24, 89:7, 496:16</p> <p>Minneapolis [1] - 200:2</p> <p>Minnesota [4] - 178:17, 200:2, 256:19, 353:24</p> <p>minor [2] - 685:1, 760:25</p> <p>minority [3] - 93:23, 98:10, 281:11</p> <p>Minot [1] - 149:19</p>	<p>minuscule [2] - 48:12, 82:1</p> <p>minute [22] - 5:25, 17:24, 32:25, 99:1, 230:12, 341:20, 362:12, 381:24, 384:25, 490:13, 520:20, 544:12, 569:15, 575:10, 642:21, 652:22, 660:21, 661:1, 684:24, 874:2, 887:12, 889:4</p> <p>minutes [42] - 4:18, 17:1, 34:16, 34:17, 60:14, 109:23, 165:24, 179:20, 180:7, 181:1, 283:10, 302:18, 333:20, 334:1, 344:14, 364:5, 364:7, 370:17, 370:21, 383:21, 383:23, 397:16, 426:5, 426:9, 512:11, 518:7, 518:8, 521:14, 592:16, 642:21, 670:23, 699:15, 699:18, 746:14, 776:22, 829:10, 867:7, 875:6, 878:9, 883:16, 884:14, 890:23</p> <p>mirror [1] - 223:21</p> <p>mirrors [1] - 93:9</p> <p>mischaracte rization [1] - 743:4</p> <p>mischaracte rized [2] -</p>	<p>572:8, 572:9</p> <p>misconcepi on [1] - 238:14</p> <p>misconcepi ons [2] - 208:23, 244:19</p> <p>misfortune [1] - 407:17</p> <p>mislead [2] - 637:13, 662:6</p> <p>misleading [8] - 347:1, 347:6, 352:19, 352:23, 609:14, 638:3, 678:14</p> <p>misplaced [1] - 468:21</p> <p>mispronoun ce [1] - 360:22</p> <p>mispronoun cing [1] - 132:2</p> <p>misreprese nt [1] - 31:17</p> <p>Miss [6] - 25:4, 631:24, 643:7, 643:22, 830:13, 832:19</p> <p>miss [3] - 70:24, 123:18, 537:23</p> <p>missed [4] - 512:17, 512:20, 691:11, 700:25</p> <p>missiles [1] - 565:6</p> <p>missing [4] - 393:12, 433:18, 464:3, 490:14</p> <p>Mission [42] - 10:7, 10:8, 10:20, 10:21, 10:25, 12:15, 151:16, 153:7, 163:25, 164:20, 164:25, 165:8, 165:14, 178:2, 262:13, 279:23, 330:1, 330:4, 330:12, 330:18, 330:20, 330:21,</p>
---	--	--	---	---	--	--

<p>330:22, 330:23, 330:24, 331:9, 331:10, 331:15, 331:16, 331:23, 331:25, 332:7, 332:11, 332:21, 354:16, 376:21, 377:13, 383:9, 438:8, 489:21 mission [5] - 41:15, 54:8, 149:22, 529:21, 817:10 missions [1] - 342:22 Mississippi [2] - 497:5, 545:6 misspelling s [1] - 893:4 mistake [6] - 67:15, 484:25, 526:19, 639:11, 665:20, 782:12 mistaken [1] - 128:17 misunderst and [1] - 522:22 Misuzu [1] - 326:7 Mitch [3] - 867:10, 867:17, 872:22 mitigate [5] - 542:12, 654:20, 721:5, 722:3, 835:2 mitigated [1] - 694:14 mitigating [1] - 19:1 mitigation [10] - 171:6, 173:16, 173:17, 203:6, 427:20, 429:8, 440:13, 619:7, 676:11, 694:16 mix [34] -</p>	<p>136:8, 198:10, 198:19, 206:3, 206:5, 206:13, 206:19, 206:22, 207:15, 208:9, 208:10, 208:14, 210:19, 210:20, 210:22, 211:4, 211:17, 212:18, 214:7, 214:13, 216:20, 217:3, 217:6, 217:14, 217:20, 217:25, 218:1, 218:2, 225:9, 382:15, 452:5, 482:11, 587:8, 808:11 mixed [2] - 359:16, 690:3 MMP [4] - 35:17, 35:19, 331:17, 787:10 MMP's [1] - 33:17 mobiled [3] - 58:21, 128:22, 311:10 mode [2] - 391:18, 530:11 model [19] - 11:25, 177:1, 224:16, 268:8, 325:21, 354:19, 365:16, 406:22, 433:20, 433:25, 434:1, 434:3, 451:13, 525:18, 558:16, 584:1, 632:7, 857:10, 883:11 modelled [6] - 178:19, 604:11, 604:14, 604:23, 662:16, 883:7 modelling [5] - 381:16, 600:21, 600:22,</p>	<p>608:25, 883:7 models [7] - 138:14, 223:7, 406:24, 525:18, 869:15, 883:6, 883:9 moderately [1] - 654:11 modern [5] - 69:11, 69:13, 351:15, 352:20, 649:15 modest [1] - 824:7 modificatio n [15] - 248:1, 251:20, 297:21, 329:10, 572:22, 609:17, 610:8, 619:13, 619:14, 624:2, 624:3, 636:18, 637:2, 650:12, 650:15 modificatio ns [4] - 226:3, 240:5, 601:20, 609:20 modified [3] - 398:4, 624:18, 750:9 modifying [1] - 585:4 moisture [2] - 28:12, 851:9 mold [1] - 83:24 molding [1] - 656:20 moldings [1] - 656:19 moment [13] - 17:6, 117:19, 246:13, 330:20, 339:22, 434:24, 499:8, 633:6, 693:7, 767:1, 792:24, 815:6, 845:25 moment's [1] - 29:14 Monday [3] - 567:17, 891:24, 892:1 monetary [2]</p>	<p>- 844:24, 845:6 money [31] - 62:22, 64:6, 85:6, 88:14, 89:24, 94:4, 103:23, 110:21, 110:23, 110:25, 114:20, 128:11, 186:23, 190:18, 475:17, 478:13, 484:3, 487:16, 487:25, 513:12, 513:22, 519:2, 543:16, 550:22, 562:24, 854:6, 854:7, 861:22, 865:9, 866:19 monies [2] - 539:18 monitor [2] - 503:5, 798:13 monitoring [10] - 42:8, 42:9, 487:16, 797:22, 798:1, 798:8, 798:10, 798:20, 801:23, 851:13 mono [1] - 796:8 monotony [1] - 53:4 monster [1] - 91:14 monsters [1] - 517:23 monstrous [1] - 132:24 Montana [4] - 486:12, 496:17, 730:14, 730:18 month [12] - 112:18, 112:19, 290:1, 403:8, 415:2, 415:14, 553:11, 564:11, 588:16,</p>	<p>769:18, 822:18, 887:4 monthly [3] - 403:3, 589:18, 839:20 months [17] - 28:17, 28:25, 50:20, 148:5, 169:13, 224:18, 315:14, 315:15, 361:19, 361:20, 379:22, 380:10, 455:20, 473:9, 720:4, 720:12, 872:7 Montpelier [1] - 681:6 Monty [2] - 591:2, 591:5 monumenta [1] - 108:9 monuments [1] - 460:14 mood [1] - 92:12 moon [1] - 125:7 moose [1] - 546:13 Moosehead [3] - 124:13, 503:23, 889:22 Mooselook meguntic [3] - 529:14, 529:20, 725:25 moral [3] - 79:14, 95:24, 255:17 moratorium [1] - 125:9 Moreover [4] - 684:17, 686:21, 824:10, 826:24 moreover [1] - 499:19 MORGAN [1] - 815:20 Morgan [2] - 815:20, 834:9 morning [63] - 11:16, 50:7,</p>	<p>154:2, 154:15, 154:24, 157:19, 163:24, 174:16, 176:17, 178:1, 194:25, 199:25, 202:6, 222:13, 228:12, 242:21, 255:5, 257:13, 263:4, 284:7, 295:5, 295:25, 315:9, 326:4, 326:16, 326:20, 327:23, 328:21, 331:20, 333:24, 344:23, 346:4, 351:14, 359:10, 363:8, 373:21, 374:20, 414:8, 434:14, 444:3, 462:3, 548:1, 553:22, 592:6, 592:15, 593:12, 594:9, 594:25, 595:12, 595:21, 600:15, 624:21, 631:16, 634:23, 672:9, 704:24, 707:21, 707:24, 759:3, 766:4, 766:6, 769:9 Morning [1] - 640:25 Morris [8] - 386:6, 387:13, 389:10, 389:12, 396:20, 396:23, 728:25, 729:5 MORRIS [1] - 387:13 mortality [11] - 144:15, 144:16, 144:17, 145:4, 145:6, 145:13, 145:21, 235:14, 235:16, 238:4,</p>	<p>790:5 Morten [3] - 176:17, 377:25, 378:4 Mortensen [1] - 165:17 Mortenson [8] - 12:20, 176:1, 200:1, 200:6, 200:23, 201:4, 205:3, 244:17 Morton [1] - 191:10 moss [2] - 298:23, 519:3 Most [14] - 45:8, 132:16, 135:20, 171:16, 227:3, 390:5, 456:19, 544:19, 681:9, 695:11, 723:16, 730:1, 800:5, 848:3 most [181] - 1:6, 12:9, 13:5, 13:8, 15:1, 18:17, 20:11, 22:25, 26:15, 29:9, 32:5, 35:9, 37:20, 41:18, 42:6, 45:14, 50:22, 60:19, 61:7, 63:10, 64:1, 75:24, 85:10, 85:11, 92:7, 95:23, 97:12, 99:18, 99:22, 103:8, 104:4, 107:9, 108:7, 109:2, 114:6, 115:23, 120:18, 120:19, 121:18, 121:22, 125:20, 125:25, 129:10, 133:11, 135:6, 138:18, 147:23, 171:8, 177:3, 177:20, 196:6, 217:15, 220:15, 221:18, 223:22, 236:22,</p>
--	---	--	---	---	--	---

<p>241:23, 249:21, 250:1, 250:7, 255:21, 260:4, 260:5, 262:7, 264:4, 268:10, 270:20, 285:25, 289:25, 293:2, 295:1, 295:11, 304:3, 311:10, 312:6, 312:7, 331:16, 337:21, 338:7, 340:1, 341:17, 342:7, 342:19, 358:23, 370:13, 380:13, 385:9, 392:25, 393:10, 403:5, 405:10, 421:3, 424:5, 427:1, 428:21, 429:20, 437:1, 441:25, 449:3, 462:19, 474:25, 475:8, 478:10, 481:5, 482:5, 485:23, 486:11, 487:20, 489:15, 501:25, 502:4, 503:17, 503:18, 526:9, 526:19, 527:21, 531:17, 533:19, 538:17, 539:6, 540:25, 546:5, 547:21, 548:7, 555:22, 585:25, 596:17, 598:3, 599:2, 599:4, 599:6, 599:14, 607:19, 608:24, 613:13, 615:8, 616:13, 616:15, 618:21, 653:12, 657:16, 665:2, 674:14, 683:14, 696:1, 698:9, 702:11, 724:18, 736:4, 736:17,</p>	<p>740:19, 741:19, 743:17, 745:1, 747:4, 748:6, 749:12, 766:6, 775:24, 778:23, 788:10, 793:4, 799:25, 802:18, 810:21, 828:19, 831:6, 840:23, 841:20, 847:15, 848:3, 848:21, 849:5, 849:12, 852:7, 856:10, 867:25, 870:7, 877:11, 881:10 mostly [17] - 36:24, 38:24, 143:21, 144:13, 144:14, 145:5, 145:21, 186:11, 240:14, 286:2, 363:16, 525:7, 563:17, 682:5, 732:6, 759:18, 833:25 motels [3] - 45:21, 94:6, 544:9 moth [1] - 873:19 mother [1] - 532:16 mother's [2] - 62:5, 526:3 motion [2] - 53:10, 325:18 motives [1] - 513:15 motor [2] - 134:12, 763:15 motto [2] - 83:23, 522:14 Mount [12] - 37:1, 86:21, 87:2, 320:23, 320:25, 321:2, 321:12, 321:21, 322:10, 322:15, 322:20,</p>	<p>324:22 Mountain [207] - 2:10, 6:7, 6:9, 6:16, 6:24, 10:10, 10:14, 10:16, 10:18, 10:19, 23:7, 24:18, 29:17, 29:20, 31:3, 31:7, 31:24, 31:25, 32:1, 36:21, 40:20, 57:9, 60:22, 70:19, 74:10, 82:1, 84:10, 84:16, 94:24, 95:6, 95:20, 98:18, 102:16, 104:8, 106:19, 106:22, 110:10, 111:7, 123:19, 124:7, 124:14, 128:11, 137:23, 137:25, 138:8, 138:10, 139:1, 139:9, 150:23, 151:14, 151:17, 152:17, 152:22, 155:13, 157:25, 158:4, 158:14, 159:6, 164:19, 169:5, 180:19, 224:8, 226:17, 226:20, 226:23, 255:1, 260:11, 261:20, 261:25, 273:23, 277:7, 284:3, 302:21, 305:13, 318:7, 323:19, 323:20, 323:25, 324:7, 324:22, 325:3, 329:24, 330:11, 330:24, 331:6, 331:10, 331:18, 332:12, 332:22, 352:5, 355:10, 388:5, 418:24, 428:19,</p>	<p>429:24, 439:9, 440:3, 442:9, 442:12, 442:13, 442:21, 443:4, 445:11, 445:22, 453:11, 459:3, 462:21, 462:23, 471:18, 472:9, 473:11, 473:16, 477:8, 477:13, 477:16, 483:5, 486:18, 488:16, 493:18, 499:11, 503:6, 520:22, 520:23, 520:24, 546:16, 548:6, 548:12, 554:21, 593:5, 595:14, 604:12, 605:14, 607:15, 607:18, 614:16, 621:11, 621:14, 621:21, 625:11, 625:14, 625:16, 625:22, 663:21, 667:2, 689:4, 690:4, 697:3, 735:13, 736:19, 737:7, 737:16, 739:18, 741:23, 742:10, 742:23, 743:14, 748:1, 748:2, 752:8, 752:9, 752:15, 753:2, 761:10, 761:24, 762:1, 762:2, 764:10, 764:14, 764:19, 767:7, 768:4, 794:8, 794:16, 797:7, 797:17, 797:25, 798:6, 798:17, 798:23, 799:5,</p>	<p>799:18, 799:23, 799:24, 800:20, 801:3, 801:22, 806:1, 810:8, 810:11, 810:12, 810:18, 811:1, 811:5, 811:8, 816:15, 829:13, 839:23, 855:8, 870:10, 875:13, 889:10, 889:18, 889:23, 890:11, 890:15 mountain [181] - 2:11, 17:13, 17:19, 19:7, 21:16, 21:18, 32:7, 37:20, 38:2, 40:23, 45:3, 45:12, 45:20, 56:9, 74:24, 86:7, 106:6, 110:24, 118:24, 121:12, 122:3, 122:4, 122:7, 123:21, 130:2, 130:11, 131:17, 132:19, 132:23, 140:21, 146:19, 147:1, 150:19, 150:21, 155:15, 158:5, 166:22, 167:1, 167:14, 171:21, 172:10, 172:25, 173:1, 188:22, 193:23, 195:17, 197:9, 201:7, 203:11, 206:1, 209:19, 209:24, 211:15, 217:15, 217:16, 225:19, 233:14, 233:16, 234:23,</p>	<p>239:25, 244:24, 244:25, 245:5, 245:7, 245:20, 248:8, 248:22, 260:12, 267:16, 302:23, 303:23, 305:19, 311:24, 312:5, 315:10, 315:22, 353:17, 388:16, 399:6, 421:14, 428:17, 430:7, 440:3, 443:16, 457:13, 458:25, 459:6, 460:13, 460:25, 461:6, 461:9, 461:13, 461:20, 461:24, 472:21, 474:14, 477:8, 480:1, 480:14, 488:20, 489:15, 494:8, 494:13, 495:7, 495:10, 495:13, 495:14, 495:18, 498:12, 498:25, 499:11, 499:22, 501:13, 509:15, 516:1, 516:2, 518:23, 519:1, 519:2, 520:2, 522:18, 532:24, 544:17, 551:20, 556:9, 566:25, 594:16, 602:19, 614:7, 621:25, 623:23, 627:9, 646:10, 676:23, 682:19, 697:13, 708:20, 713:3, 713:15, 713:25, 717:22, 717:23, 720:6,</p>	<p>720:15, 721:10, 721:12, 724:3, 724:11, 724:17, 729:24, 737:24, 740:16, 740:17, 741:1, 741:3, 743:24, 745:13, 745:25, 746:6, 748:17, 750:20, 763:25, 766:15, 766:19, 773:21, 774:9, 774:13, 776:4, 779:22, 782:24, 783:6, 797:23, 798:3, 798:13, 798:24, 820:9, 847:20, 891:14 mountain's [1] - 520:2 mountain- level [1] - 798:24 mountainou s [11] - 150:18, 200:13, 200:15, 201:24, 242:9, 484:18, 487:17, 492:1, 524:20, 655:5, 844:10 mountains [246] - 11:22, 13:12, 22:16, 23:23, 24:3, 24:7, 24:14, 24:19, 32:2, 32:9, 42:8, 43:17, 45:8, 45:11, 45:19, 46:3, 46:13, 46:14, 47:16, 49:3, 50:12, 50:16, 51:9, 51:21, 58:19, 70:15, 70:18, 76:14, 79:23, 86:8, 91:24, 93:17, 94:12, 95:16, 96:5, 98:2, 98:4,</p>
--	--	--	---	---	--	--

<p>98:11, 99:7, 99:20, 100:4, 107:3, 110:14, 110:23, 111:8, 111:20, 112:8, 112:9, 113:5, 116:24, 117:17, 117:21, 117:23, 119:8, 121:13, 121:15, 122:6, 122:8, 124:5, 124:13, 124:5, 128:15, 128:21, 133:23, 134:2, 146:6, 149:23, 150:6, 150:11, 150:15, 151:3, 151:8, 151:20, 152:15, 171:22, 172:16, 183:14, 183:16, 183:18, 183:20, 197:4, 215:1, 219:2, 223:18, 228:17, 239:24, 240:3, 241:23, 243:6, 244:21, 244:23, 246:22, 248:20, 270:3, 271:17, 321:20, 353:14, 354:7, 375:17, 384:21, 393:14, 393:17, 394:5, 394:6, 395:18, 396:5, 407:10, 421:1, 421:5, 421:6, 427:12, 428:4, 428:23, 445:12, 445:24, 457:24, 458:1, 458:3, 458:23, 459:1, 459:11, 459:13, 459:14, 459:18, 459:25, 460:7, 460:11, 460:18, 462:17,</p>	<p>462:20, 462:24, 463:7, 464:2, 467:13, 467:14, 471:19, 472:11, 473:14, 473:15, 475:14, 477:16, 477:20, 477:23, 477:24, 478:2, 478:9, 478:14, 478:17, 479:1, 479:6, 479:24, 480:9, 484:20, 487:14, 487:19, 487:21, 488:7, 488:13, 491:3, 493:15, 493:19, 494:8, 496:7, 496:9, 496:24, 497:7, 499:14, 500:18, 500:19, 500:23, 501:2, 501:16, 501:17, 502:5, 509:6, 510:16, 511:25, 515:18, 517:3, 517:22, 518:14, 518:15, 519:3, 519:4, 519:8, 519:15, 521:6, 524:2, 525:4, 526:12, 527:5, 527:21, 531:3, 531:20, 534:21, 535:11, 535:23, 536:3, 536:9, 538:14, 545:9, 545:18, 546:4, 546:10, 546:24, 547:9, 547:13, 547:21, 552:25, 553:4, 553:21, 556:11, 556:14, 561:6, 574:11, 621:7, 621:9, 623:11, 623:25, 650:5, 664:14, 708:23,</p>	<p>709:22, 712:22, 712:23, 713:5, 717:14, 718:8, 721:11, 721:22, 723:17, 725:7, 745:1, 747:9, 748:4, 748:9, 749:19, 752:17, 767:8, 773:10, 776:18, 811:2, 851:14</p> <p>Mountains [42] - 13:8, 52:24, 63:21, 94:5, 98:16, 116:20, 149:22, 149:23, 150:5, 172:1, 373:4, 373:9, 421:24, 457:23, 478:16, 527:24, 584:19, 614:17, 615:1, 633:25, 737:21, 748:11, 752:13, 799:20, 801:17, 802:16, 802:17, 802:23, 815:17, 842:11, 842:15, 846:20, 847:7, 848:24, 889:9, 889:15, 889:17, 889:20, 889:24, 890:3, 890:10, 890:14</p> <p>mountainsi des [1] - 393:24</p> <p>mountainto p [7] - 237:21, 400:3, 400:23, 536:11, 537:18, 570:15, 646:19</p> <p>mountainto</p>	<p>ps [23] - 46:6, 46:8, 50:10, 51:6, 71:15, 95:9, 98:8, 98:13, 112:3, 150:2, 150:24, 151:10, 153:20, 197:18, 517:16, 522:7, 526:19, 536:12, 536:18, 536:20, 536:23, 725:5, 848:13</p> <p>mounted [1] - 93:5</p> <p>mouth [1] - 543:17</p> <p>Move [1] - 149:16</p> <p>move [55] - 77:12, 101:13, 102:13, 146:19, 162:24, 163:10, 184:12, 228:3, 234:10, 252:19, 255:3, 284:10, 284:16, 294:22, 300:19, 300:22, 301:17, 338:6, 347:11, 351:13, 367:15, 368:22, 390:20, 410:20, 438:6, 448:11, 467:17, 488:5, 526:6, 547:25, 574:5, 575:10, 578:24, 581:21, 617:21, 628:1, 630:19, 656:12, 671:7, 673:5, 694:21, 699:13, 730:11, 762:3, 768:8, 803:25, 808:21, 808:25, 824:21, 861:2, 872:25,</p>	<p>884:16, 887:11</p> <p>move-through [1] - 617:21</p> <p>moved [19] - 122:17, 138:25, 167:7, 173:2, 224:11, 328:4, 390:14, 390:15, 478:5, 526:5, 536:8, 538:4, 538:16, 557:6, 691:18, 691:25, 692:9, 738:4, 738:10</p> <p>movement [9] - 30:20, 30:22, 77:14, 210:9, 241:2, 498:10, 518:16, 660:6</p> <p>moves [2] - 208:17, 572:17</p> <p>movie [1] - 256:2</p> <p>Moving [6] - 106:17, 297:16, 302:9, 524:1, 775:1, 780:11</p> <p>moving [20] - 41:19, 82:15, 128:9, 145:14, 220:23, 241:15, 299:12, 303:10, 393:25, 410:16, 488:14, 538:12, 585:5, 595:11, 656:23, 659:21, 661:7, 736:15, 736:16, 806:17</p> <p>Moxie [1] - 124:13</p> <p>MPS [1] - 318:16</p> <p>MR [626] - 9:20, 10:3, 22:7, 22:11, 32:19, 32:22, 33:9, 34:1, 34:5, 34:12, 34:15, 34:19,</p>	<p>34:22, 34:25, 35:3, 36:3, 36:5, 36:13, 37:6, 38:7, 41:10, 44:19, 44:23, 49:2, 51:13, 54:3, 57:6, 60:10, 60:14, 61:24, 63:14, 65:3, 65:8, 69:24, 71:3, 75:14, 75:17, 81:21, 84:4, 89:21, 93:20, 96:13, 100:11, 105:5, 109:22, 113:10, 113:11, 116:10, 122:13, 126:25, 127:2, 127:4, 127:8, 130:1, 133:16, 133:18, 134:21, 134:25, 138:23, 138:24, 139:13, 139:20, 139:24, 141:6, 143:17, 149:14, 149:17, 162:19, 163:3, 163:6, 163:24, 170:20, 174:11, 174:14, 174:16, 176:17, 178:1, 179:19, 179:23, 179:24, 180:1, 180:7, 180:18, 181:8, 181:11, 181:18, 182:8, 183:15, 183:19, 183:24, 184:2, 184:11, 184:22, 185:2, 185:6, 185:7, 185:8, 185:14, 185:19, 185:22, 185:23, 186:6, 186:8, 186:10, 186:18, 186:24, 187:1,</p>	<p>187:15, 188:4, 188:10, 188:18, 188:25, 189:3, 189:21, 190:9, 190:13, 191:1, 191:5, 192:7, 193:5, 193:7, 194:3, 194:22, 194:25, 199:25, 202:6, 205:2, 205:9, 205:20, 206:7, 207:6, 207:14, 207:20, 208:5, 208:21, 209:9, 209:14, 209:15, 209:23, 210:23, 211:1, 211:14, 211:22, 212:8, 212:24, 213:9, 213:17, 213:20, 214:13, 216:1, 216:3, 216:6, 217:18, 217:22, 217:24, 219:4, 219:8, 219:13, 219:17, 219:24, 220:2, 228:12, 237:4, 237:7, 238:7, 238:9, 238:13, 238:18, 238:19, 238:20, 239:16, 240:1, 240:11, 240:19, 240:21, 241:7, 242:7, 245:3, 245:23, 248:15, 248:17, 252:23, 255:5, 257:13, 259:24, 263:4, 266:10, 266:18, 267:22, 268:7, 268:14, 269:4, 272:9, 273:18, 274:8, 274:15, 275:7, 275:10, 275:13, 275:22, 275:23, 275:24,</p>
--	---	---	---	--	---	--

275:25, 276:5, 276:6, 276:7, 276:8, 276:19, 276:24, 277:2, 277:3, 277:4, 277:6, 277:21, 278:4, 278:22, 278:23, 279:19, 279:21, 279:22, 280:24, 281:2, 282:7, 283:9, 283:20, 284:24, 307:11, 307:13, 315:24, 316:6, 318:10, 318:12, 318:14, 318:15, 318:17, 318:18, 321:7, 321:8, 322:7, 322:8, 329:16, 329:19, 329:20, 329:21, 329:23, 333:19, 334:3, 334:4, 334:12, 334:13, 334:22, 335:5, 335:7, 335:13, 335:18, 335:21, 336:2, 336:11, 340:24, 341:11, 343:22, 344:6, 344:9, 344:15, 344:19, 349:8, 349:12, 353:4, 353:8, 356:21, 356:24, 357:3, 359:17, 362:10, 362:21, 363:11, 364:3, 364:6, 365:8, 367:3, 367:25, 371:16, 372:5, 373:6, 373:8, 373:18, 374:7, 374:8, 374:9, 374:11, 376:10, 376:13, 377:25, 378:3, 379:3, 379:9,	379:13, 380:16, 380:18, 381:5, 381:25, 382:3, 383:20, 383:25, 384:6, 384:24, 385:15, 387:8, 387:11, 387:15, 387:18, 387:19, 387:24, 389:9, 389:13, 391:5, 392:12, 392:15, 393:6, 393:13, 406:1, 411:18, 411:23, 412:25, 414:4, 414:11, 414:14, 414:17, 416:21, 417:4, 418:23, 419:7, 419:10, 419:14, 420:9, 420:13, 421:21, 421:23, 422:2, 422:8, 423:11, 426:2, 426:14, 431:4, 438:25, 439:1, 439:21, 440:6, 440:10, 441:11, 444:18, 447:4, 448:14, 448:18, 448:20, 448:23, 452:1, 454:8, 454:12, 465:1, 468:1, 470:25, 474:2, 477:5, 486:25, 487:6, 487:9, 487:11, 490:13, 490:14, 491:4, 491:5, 496:3, 500:3, 503:1, 505:14, 505:15, 509:23, 510:3, 512:4, 513:3, 516:18, 518:2, 520:20, 520:21, 521:7, 521:8, 521:9, 521:10, 521:16,	521:19, 523:17, 527:14, 527:18, 529:12, 531:9, 533:14, 534:1, 538:2, 543:21, 543:23, 543:24, 545:23, 552:1, 555:5, 556:21, 560:21, 561:10, 561:15, 561:19, 563:4, 566:8, 570:13, 570:23, 570:25, 574:5, 574:9, 582:18, 582:19, 582:20, 582:23, 583:5, 583:14, 584:16, 585:6, 590:2, 590:21, 591:2, 600:15, 610:18, 613:14, 614:1, 614:4, 614:6, 614:8, 615:10, 615:11, 616:17, 616:23, 617:2, 617:8, 617:12, 617:17, 617:19, 618:1, 618:21, 619:21, 620:10, 623:7, 623:9, 623:22, 624:12, 624:17, 625:14, 626:17, 630:11, 631:15, 638:17, 638:20, 638:23, 640:2, 640:3, 642:21, 642:23, 643:12, 643:14, 644:2, 644:7, 644:10, 646:5, 646:8, 646:22, 647:1, 647:5, 647:9, 665:2, 665:13, 666:4, 666:20, 666:23, 667:3, 667:6, 667:9,	667:20, 667:24, 668:3, 668:13, 669:8, 670:12, 670:25, 671:1, 671:6, 675:3, 675:7, 679:23, 680:1, 680:6, 680:14, 690:12, 691:15, 692:3, 692:8, 692:16, 692:21, 693:3, 698:13, 698:17, 699:10, 699:16, 699:20, 699:23, 707:2, 707:6, 707:8, 707:17, 707:24, 723:12, 726:25, 727:6, 727:11, 735:7, 739:16, 746:15, 751:5, 751:14, 753:10, 768:8, 768:12, 770:16, 770:20, 771:6, 771:10, 775:1, 775:5, 776:19, 777:3, 777:4, 778:21, 780:7, 780:10, 780:11, 780:16, 783:7, 783:10, 783:11, 783:12, 783:15, 783:16, 783:18, 783:19, 783:21, 783:22, 784:17, 784:21, 792:20, 792:25, 796:21, 797:5, 805:10, 805:14, 807:11, 807:12, 807:16, 807:17, 807:18, 808:23, 809:3,	812:2, 815:6, 815:20, 829:9, 834:6, 834:10, 837:10, 837:16, 838:19, 839:10, 839:13, 840:25, 842:9, 842:13, 843:18, 843:21, 845:23, 846:15, 846:19, 848:17, 859:20, 859:23, 860:5, 860:8, 860:12, 860:18, 861:9, 862:12, 863:7, 863:22, 866:5, 866:13, 867:8, 867:14, 867:22, 868:2, 874:20, 874:22, 874:24, 875:8, 877:8, 878:8, 878:11, 883:4, 883:15, 883:17, 883:21, 884:16, 884:18, 887:13, 888:22, 889:9, 889:14, 890:22, 891:2, 891:16, 892:6, 892:19, 893:18 MRSA [6] - 2:5, 2:25, 155:9, 155:23, 593:2, 728:1 MS [254] - 6:3, 23:19, 25:5, 46:18, 67:12, 67:14, 73:9, 73:12, 78:8, 80:4, 88:6, 91:20, 97:21, 98:25, 99:2, 103:18, 106:18, 109:16, 119:13, 125:17, 132:6, 147:9, 157:23, 162:21, 180:9,	181:7, 181:9, 181:12, 182:3, 183:9, 183:10, 183:18, 183:22, 183:25, 184:5, 184:21, 191:2, 191:14, 193:1, 193:6, 193:18, 194:18, 204:24, 205:5, 205:18, 205:22, 207:4, 207:10, 207:18, 210:18, 211:11, 211:18, 211:24, 212:21, 213:3, 213:15, 213:18, 214:4, 239:19, 240:8, 240:17, 240:20, 240:22, 241:22, 244:17, 253:5, 267:18, 268:4, 268:12, 269:1, 269:7, 269:12, 269:16, 269:18, 269:19, 269:21, 270:2, 270:3, 270:4, 270:5, 270:6, 270:10, 270:12, 270:14, 270:22, 271:12, 280:14, 280:25, 282:4, 284:23, 285:1, 304:5, 304:7, 307:10, 359:23, 360:18, 362:12, 362:14, 363:1, 364:5, 364:15, 365:14, 366:2, 366:6, 367:8, 368:5, 368:22, 369:1, 370:16, 370:22, 370:23, 371:20, 372:7, 372:8, 373:1, 386:2, 386:20,	386:25, 387:13, 393:8, 394:11, 394:16, 396:18, 396:24, 397:15, 397:19, 401:2, 411:1, 414:9, 414:13, 439:18, 439:22, 440:4, 440:7, 442:8, 442:11, 455:7, 457:19, 460:16, 463:16, 466:25, 480:23, 482:24, 484:14, 494:3, 525:12, 532:16, 532:18, 533:15, 536:7, 540:6, 549:10, 559:14, 559:18, 566:11, 590:14, 590:23, 591:22, 593:13, 594:14, 595:10, 611:20, 614:13, 615:23, 616:21, 616:25, 617:7, 617:10, 617:15, 618:3, 619:11, 619:14, 620:17, 621:11, 622:13, 622:18, 622:24, 623:3, 623:5, 623:8, 623:10, 624:10, 624:16, 624:20, 624:21, 625:23, 627:16, 627:25, 628:3, 628:20, 630:5, 630:7, 630:9, 630:18,
--	--	---	--	--	--	---

630:20, 638:19, 664:19, 665:8, 665:10, 665:24, 666:18, 666:22, 667:1, 667:5, 667:8, 667:16, 667:22, 667:25, 669:10, 681:4, 690:16, 691:21, 692:5, 692:13, 692:17, 692:22, 694:3, 696:20, 696:24, 696:25, 697:20, 698:12, 698:15, 698:24, 699:12, 707:21, 716:16, 731:12, 746:14, 753:11, 753:13, 753:16, 755:6, 757:3, 757:7, 757:20, 757:24, 760:9, 761:9, 761:14, 762:23, 763:2, 768:7, 815:3, 815:11, 829:12, 829:17, 834:4, 841:5, 841:7, 842:6, 863:13, 863:15, 877:5 Mt [43] - 71:13, 83:6, 119:20, 133:22, 223:11, 321:19, 388:17, 446:22, 448:25, 472:10, 478:15, 487:20, 491:6, 494:4, 495:4, 527:22, 546:7, 569:2, 605:13, 607:1, 607:6, 607:18,	607:22, 625:17, 664:3, 664:8, 664:10, 668:9, 674:1, 674:14, 689:13, 689:15, 689:21, 689:23, 689:25, 700:17, 741:14, 742:2, 748:3, 748:16, 776:6, 776:8, 776:11 mulch [4] - 207:7, 207:11, 213:22, 213:23 multi [5] - 35:21, 35:22, 229:8, 275:14, 318:5 multi- national [1] - 275:14 multi- propertied [1] - 318:5 multi- seasonal [1] - 229:8 multi-state [1] - 35:21 multi- thousand [1] - 35:22 multiple [9] - 208:6, 237:15, 349:16, 371:8, 372:11, 645:3, 681:15, 732:23, 890:15 multiple- use [1] - 890:15 multiplacati on [2] - 885:8, 886:15 multiplier [1] - 549:4 multiplying [1] - 423:13 Muse [6] - 11:11, 178:1, 373:12, 376:12, 376:14, 379:2 MUSE [4] -	178:1, 185:2, 185:7, 186:18 Muse's [1] - 379:4 Museum [1] - 556:24 museum [1] - 558:11 mushrooms [1] - 62:11 music [1] - 105:23 must [54] - 3:19, 17:10, 18:7, 20:19, 20:20, 27:19, 37:17, 44:12, 47:19, 50:24, 51:6, 55:6, 56:4, 56:20, 64:25, 87:17, 89:14, 99:4, 100:6, 112:2, 121:11, 127:20, 151:3, 152:4, 156:17, 157:2, 212:1, 212:3, 248:19, 320:24, 340:5, 399:9, 450:12, 455:19, 461:8, 469:17, 485:20, 493:4, 493:7, 510:20, 522:25, 549:21, 550:7, 593:19, 596:10, 599:24, 606:3, 682:14, 728:11, 728:15, 808:10, 827:17, 853:1 -muted [1] - 658:3 mutilation [1] - 106:6 mutual [1] - 824:18 myotis [1] - 389:19 mystery [1] - 761:4 myth [1] - 472:2 myths [2] - 471:10, 471:11	N	448:23, 452:1, 457:20, 460:16, 463:16, 467:4, 470:25, 474:17, 477:5, 480:23, 482:25, 486:25, 491:6, 496:3, 500:3, 513:5, 518:2, 521:19, 523:17, 525:15, 527:14, 527:18, 529:12, 531:9, 532:17, 536:7, 538:2, 540:11, 543:21, 543:24, 545:23, 549:10, 555:5, 556:22, 559:16, 560:22, 566:6, 566:11, 592:20, 593:20, 595:13, 600:15, 647:9, 675:8, 681:5, 699:24, 716:23, 723:12, 731:15, 735:9, 739:17, 746:15, 751:25, 752:3, 761:9, 815:20, 829:12, 844:16, 883:17, 889:12, 889:14, 890:25, 891:3 named [4] - 374:4, 513:14, 513:19, 658:6 Named [1] - 321:15 namely [5] - 112:6, 146:1, 555:15, 827:10, 843:4 names [5] - 4:11, 22:4, 72:24, 266:24, 444:5 Nancy [7] -	75:13, 78:6, 78:8, 482:23, 484:13, 484:14 Nantucket [2] - 375:1, 845:15 Naples [1] - 454:19 narrative [1] - 892:9 narrow [6] - 172:24, 197:23, 309:17, 525:18, 599:23, 770:3 narrow- gauge [1] - 525:18 narrowed [1] - 745:13 narrower [1] - 638:13 narrowing [1] - 198:22 Nash [3] - 36:19, 774:9, 774:11 Nation [1] - 52:20 nation [12] - 42:13, 45:1, 56:21, 97:17, 104:11, 127:14, 501:20, 522:24, 524:7, 544:19, 796:13, 852:8 nation's [3] - 103:24, 596:9, 819:22 national [34] - 14:3, 77:13, 103:22, 183:4, 263:5, 263:6, 275:14, 317:16, 319:1, 319:4, 319:8, 319:21, 319:22, 320:4, 320:7, 324:24, 353:12, 355:1, 355:5, 596:5, 596:6, 596:8, 597:9, 611:11, 612:1, 695:5, 746:17, 746:24,	819:18, 821:22, 835:22, 860:12, 865:2 National [102] - 8:21, 9:11, 44:3, 156:7, 161:11, 162:8, 202:12, 224:1, 247:15, 247:20, 316:13, 317:8, 317:11, 317:12, 317:22, 318:1, 318:4, 318:22, 318:23, 319:6, 319:11, 355:3, 385:16, 405:18, 416:13, 486:13, 501:4, 501:15, 520:12, 584:18, 595:1, 595:8, 595:13, 595:16, 595:22, 596:1, 596:3, 596:4, 596:13, 596:14, 596:15, 597:19, 597:24, 597:25, 598:4, 599:5, 599:7, 599:12, 599:13, 599:15, 599:21, 600:2, 600:11, 611:7, 611:15, 611:17, 611:18, 611:24, 611:25, 612:3, 612:4, 612:6, 612:15, 612:24, 613:6, 613:7, 613:25, 614:7, 614:17, 614:18, 627:7, 627:21, 628:4, 629:1, 629:2, 629:13, 629:14, 630:22, 640:25, 641:1, 641:15, 641:17, 643:11,
---	---	--	----------	--	--	---

<p>644:25, 650:9, 663:21, 686:7, 727:16, 741:16, 748:1, 751:19, 752:20, 753:2, 753:7, 792:17, 793:8, 793:9</p> <p>nationally [5] - 175:14, 176:11, 817:25, 831:10, 835:7</p> <p>Nationally [2] - 108:22, 835:24</p> <p>nationwide [1] - 269:16</p> <p>native [14] - 38:13, 63:2, 122:17, 211:9, 212:6, 212:22, 214:4, 216:14, 216:19, 216:22, 217:12, 218:18, 234:12</p> <p>Native [1] - 532:19</p> <p>natives [1] - 63:7</p> <p>natural [171] - 11:18, 11:20, 13:19, 14:12, 16:22, 26:8, 30:16, 36:24, 44:11, 46:11, 53:2, 53:4, 68:2, 71:14, 72:4, 72:11, 80:11, 94:17, 95:24, 96:2, 101:11, 104:6, 124:3, 137:19, 148:15, 174:7, 187:18, 187:20, 187:22, 195:20, 197:3, 214:2, 214:19, 216:25, 217:8, 218:19, 218:23, 228:24, 230:1, 236:18, 257:24, 258:25, 259:3, 259:7, 261:14, 264:1, 266:1,</p>	<p>266:5, 286:10, 313:12, 336:18, 336:20, 337:2, 341:4, 342:24, 343:2, 343:3, 343:6, 353:18, 382:17, 403:6, 403:12, 427:11, 447:20, 457:6, 458:5, 458:14, 460:2, 460:3, 460:6, 460:8, 463:23, 469:7, 469:8, 481:17, 490:25, 491:18, 491:25, 492:22, 493:1, 493:10, 495:10, 495:25, 496:11, 498:22, 504:15, 508:20, 517:8, 517:14, 518:19, 522:20, 526:15, 526:16, 526:21, 536:1, 544:8, 545:12, 547:5, 560:3, 563:14, 563:17, 563:23, 563:25, 565:1, 581:24, 581:25, 596:10, 596:22, 596:24, 598:13, 602:2, 602:3, 602:6, 610:9, 610:24, 611:11, 614:11, 618:7, 618:9, 618:22, 619:15, 619:18, 620:15, 624:5, 628:8, 628:17, 629:3, 629:6, 630:3, 632:18, 649:8, 650:3, 657:8, 657:19, 665:21, 675:19, 682:16,</p>	<p>684:21, 685:23, 685:25, 686:2, 686:12, 686:17, 687:11, 696:5, 728:12, 740:6, 740:7, 740:9, 740:18, 743:25, 744:24, 769:16, 812:15, 813:23, 814:3, 817:1, 822:9, 822:19, 823:21, 823:23, 824:1, 841:21, 841:24, 842:4, 873:11, 873:22, 874:17</p> <p>Natural [26] - 62:9, 73:22, 82:25, 185:6, 185:7, 230:2, 344:14, 344:21, 409:23, 426:17, 459:23, 469:5, 481:17, 491:12, 493:17, 552:16, 552:18, 554:2, 555:8, 566:18, 730:14, 742:6, 783:25, 793:4, 796:25, 805:10</p> <p>naturally [3] - 30:19, 217:13, 522:10</p> <p>nature [34] - 3:10, 4:7, 68:3, 94:15, 105:14, 105:16, 105:18, 105:20, 119:25, 156:20, 156:21, 395:1, 421:7, 428:4, 458:18, 463:19, 463:25, 483:23, 493:20, 502:5,</p>	<p>509:7, 511:25, 557:22, 557:23, 557:25, 598:16, 598:18, 598:20, 604:15, 636:13, 726:11, 742:12, 772:12, 805:1</p> <p>Nature [2] - 53:6, 609:6</p> <p>Nature's [1] - 105:12</p> <p>nature's [1] - 106:10</p> <p>nature-based [1] - 557:22</p> <p>nature-deficit [2] - 598:18, 598:20</p> <p>navigating [1] - 286:18</p> <p>navigational [1] - 145:10</p> <p>Navy [11] - 71:16, 202:12, 226:15, 565:2, 688:7, 696:21, 697:5, 697:8, 697:15, 701:24, 741:15</p> <p>near [30] - 1:17, 51:22, 58:25, 68:13, 71:12, 111:10, 172:7, 174:3, 197:17, 206:10, 216:7, 291:19, 297:6, 353:12, 355:1, 355:2, 355:4, 388:14, 486:12, 537:11, 615:14, 665:16, 686:2, 747:12, 762:15, 779:15, 779:22, 779:25, 807:3, 880:2</p> <p>Near [3] - 117:7, 801:13,</p>	<p>811:4</p> <p>nearby [5] - 50:16, 123:14, 171:13, 300:8, 824:11</p> <p>nearest [8] - 223:12, 345:15, 429:18, 456:5, 606:24, 606:25, 607:2, 810:5</p> <p>nearly [12] - 176:24, 205:16, 253:15, 253:19, 397:21, 422:15, 477:14, 684:22, 817:5, 820:18, 821:4, 823:16</p> <p>neatly [2] - 437:23, 657:6</p> <p>Nebraska [1] - 795:10</p> <p>necessarily [19] - 4:18, 101:11, 192:3, 242:25, 264:22, 267:24, 268:11, 268:23, 290:8, 321:25, 369:3, 395:15, 587:11, 683:3, 722:8, 758:1, 758:7, 851:22, 879:19</p> <p>necessary [21] - 21:8, 31:8, 31:10, 38:21, 43:1, 87:1, 164:17, 165:23, 170:13, 301:11, 331:10, 333:7, 333:11, 364:16, 377:17, 421:10, 482:9, 794:22, 851:24, 863:9, 890:3</p> <p>necessity [1] - 20:15</p> <p>need [248] -</p>	<p>4:17, 4:22, 5:1, 5:2, 5:4, 5:5, 9:14, 9:15, 15:24, 19:3, 24:17, 28:23, 42:10, 42:12, 43:19, 44:25, 47:6, 47:9, 49:12, 49:13, 49:23, 51:5, 53:16, 58:4, 58:21, 66:8, 67:3, 70:12, 74:17, 74:22, 74:23, 76:17, 78:20, 79:6, 79:7, 79:18, 79:20, 80:18, 83:21, 86:5, 86:25, 87:10, 87:11, 87:13, 87:16, 89:15, 95:14, 95:17, 102:11, 106:9, 111:15, 111:19, 112:6, 112:22, 115:13, 118:2, 121:21, 122:3, 123:5, 126:16, 126:20, 128:16, 129:8, 129:15, 130:23, 131:5, 136:4, 136:13, 140:5, 140:9, 140:15, 142:17, 142:18, 142:19, 147:2, 147:3, 150:14, 150:20, 157:13, 167:9, 170:16, 171:10, 182:14, 193:20, 203:3, 239:4, 244:22, 245:6, 245:20, 248:12, 253:12, 255:17, 255:18, 255:24, 256:11, 256:21, 260:20, 265:19, 267:9, 268:9, 272:23, 275:18,</p>	<p>279:12, 292:23, 308:22, 309:12, 309:24, 310:17, 311:6, 334:15, 357:11, 359:4, 359:22, 365:5, 378:7, 378:18, 378:25, 379:15, 379:25, 380:8, 386:15, 395:4, 395:24, 401:22, 402:3, 407:25, 408:10, 408:13, 410:6, 410:9, 410:10, 410:14, 414:7, 430:15, 438:2, 452:6, 452:8, 457:8, 459:13, 466:10, 476:22, 479:24, 481:6, 481:24, 482:7, 487:10, 490:6, 493:4, 494:12, 494:14, 499:7, 500:12, 500:19, 505:14, 514:15, 516:9, 518:12, 520:16, 528:6, 528:21, 533:1, 533:2, 536:1, 539:16, 543:16, 544:15, 544:23, 545:2, 545:3, 551:17, 558:15, 560:10, 562:18, 565:6, 568:13, 569:25, 573:23, 586:1, 588:7, 588:11, 608:18, 625:3, 688:3, 691:6, 698:22, 699:13, 706:12, 706:22, 714:18, 716:2, 717:10, 717:11, 720:24, 721:4,</p>
--	--	---	---	--	--	--

<p>722:13, 722:14, 722:18, 754:13, 764:5, 764:12, 764:21, 765:10, 765:14, 768:24, 784:3, 784:7, 788:14, 790:5, 795:7, 804:2, 807:9, 818:6, 818:7, 818:22, 819:3, 820:5, 823:19, 823:20, 828:6, 828:10, 847:6, 849:7, 851:15, 852:21, 853:6, 853:25, 854:23, 855:17, 858:23, 859:13, 859:14, 867:4, 877:19, 883:22, 883:23, 884:1, 884:23, 888:13, 888:21</p> <p>needed [24] - 25:19, 76:17, 148:17, 186:1, 199:1, 310:8, 310:9, 311:4, 339:9, 353:16, 407:19, 410:17, 411:14, 487:16, 528:8, 571:23, 616:16, 674:25, 721:21, 774:2, 818:17, 824:24, 848:14, 865:19</p> <p>needle [4] - 27:14, 118:25, 391:24, 656:24</p> <p>needless [1] - 529:9</p> <p>Needless [1] - 503:16</p> <p>needlessly [1] - 528:25</p> <p>needs [52] -</p>	<p>26:2, 35:11, 43:4, 47:4, 70:14, 77:20, 79:21, 86:3, 87:20, 89:6, 111:24, 129:16, 130:22, 140:17, 147:18, 164:5, 256:9, 258:23, 274:1, 274:11, 301:14, 307:9, 397:12, 418:13, 418:16, 424:10, 428:22, 439:9, 456:14, 459:14, 495:5, 520:18, 550:23, 551:3, 554:9, 599:23, 602:14, 647:24, 648:13, 655:10, 656:4, 681:2, 683:16, 714:2, 730:5, 795:15, 818:7, 818:11, 819:15, 819:25, 828:5, 855:18</p> <p>negate [1] - 202:2</p> <p>negative [12] - 94:18, 100:3, 271:17, 376:8, 477:15, 527:8, 544:18, 598:2, 676:1, 676:3, 736:13, 737:17</p> <p>negatives [1] - 105:2</p> <p>negotiate [1] - 573:22</p> <p>negotiated [4] - 171:25, 586:20, 752:22, 765:18</p> <p>negotiation s [1] - 621:12</p> <p>Neidmeyer [1] - 418:25</p> <p>neighbor [2] - 150:19, 533:21</p>	<p>neighborho od [2] - 130:12, 245:8</p> <p>neighboring [1] - 339:18</p> <p>neighbors [5] - 22:25, 35:25, 555:18, 613:18, 830:8</p> <p>Neil [4] - 41:9, 44:17, 44:22, 44:23</p> <p>nein [1] - 68:13</p> <p>neotropical [1] - 294:25</p> <p>NEPOOL [5] - 342:20, 357:20, 404:16, 872:15, 881:5</p> <p>NERC [1] - 848:21</p> <p>NERPA [1] - 285:10</p> <p>nervous [2] - 90:2, 568:15</p> <p>nest [4] - 146:21, 233:3, 388:14, 388:15</p> <p>nesting [2] - 297:6, 301:11</p> <p>nests [1] - 388:18</p> <p>net [8] - 108:17, 247:24, 278:7, 281:24, 450:1, 586:11, 586:21, 856:19</p> <p>Netherlands [1] - 53:14</p> <p>nets [1] - 547:1</p> <p>netting [1] - 207:16</p> <p>network [1] - 223:22</p> <p>neutral [10] - 8:24, 79:5, 254:23, 269:9, 269:12, 418:10, 806:4, 834:3, 836:3</p> <p>Nevada [1] - 118:9</p> <p>never [35] - 39:11, 57:25,</p>	<p>71:18, 83:10, 112:19, 139:7, 144:20, 216:15, 232:2, 317:12, 327:9, 339:23, 373:13, 392:10, 392:11, 473:12, 477:10, 503:21, 517:4, 525:25, 541:7, 591:19, 615:4, 634:19, 655:9, 661:2, 702:1, 713:21, 721:12, 731:2, 737:12, 738:12, 767:11, 859:12, 862:3</p> <p>Never [2] - 493:2, 770:15</p> <p>Nevertheles s [1] - 527:25</p> <p>nevertheles s [2] - 398:22, 706:10</p> <p>new [102] - 6:24, 8:11, 11:2, 15:16, 33:14, 33:15, 35:25, 40:14, 54:12, 74:17, 76:19, 76:21, 98:19, 100:24, 101:4, 159:7, 168:15, 168:23, 169:6, 170:16, 197:18, 233:9, 235:15, 253:7, 296:5, 296:9, 297:11, 297:12, 337:7, 337:12, 337:19, 337:21, 338:8, 338:11, 338:14, 340:14, 340:16, 343:6, 380:12, 380:14, 380:19, 409:13, 432:25, 443:5, 456:5, 460:12, 515:8, 516:10,</p>	<p>536:18, 544:13, 563:12, 564:1, 564:4, 569:19, 578:2, 586:1, 588:19, 588:23, 588:24, 590:17, 591:12, 591:15, 593:14, 620:25, 621:6, 621:9, 621:24, 622:3, 652:4, 656:25, 712:2, 714:25, 782:22, 790:6, 797:16, 797:25, 805:8, 807:19, 807:20, 807:24, 808:12, 818:16, 818:21, 819:8, 819:9, 819:13, 820:22, 821:2, 821:11, 821:12, 821:18, 822:24, 842:21, 855:12, 855:16, 856:18, 884:7, 888:21</p> <p>New [162] - 12:23, 13:7, 38:11, 38:12, 38:16, 46:1, 57:7, 57:11, 62:3, 84:21, 84:22, 84:23, 85:7, 91:21, 101:21, 104:11, 118:3, 118:8, 131:17, 142:8, 148:19, 149:6, 152:24, 165:19, 165:21, 171:2, 171:20, 178:20, 180:21, 180:22, 237:21, 256:16, 257:23, 259:15, 264:20,</p>	<p>272:21, 274:20, 296:7, 336:24, 339:1, 342:12, 342:13, 343:5, 343:11, 343:12, 343:13, 343:16, 352:9, 352:18, 352:25, 353:3, 353:24, 353:25, 357:10, 357:19, 357:25, 358:1, 358:3, 358:6, 358:7, 358:11, 358:22, 380:20, 381:2, 381:7, 402:6, 402:17, 402:18, 403:1, 403:22, 404:12, 405:19, 406:7, 406:13, 406:17, 408:6, 408:22, 409:8, 420:5, 420:14, 420:24, 421:1, 421:2, 423:15, 424:23, 425:10, 425:11, 425:13, 425:17, 425:20, 426:25, 427:2, 427:23, 430:3, 432:10, 432:11, 433:3, 435:19, 436:8, 446:5, 484:22, 496:5, 496:12, 497:3, 497:25, 504:20, 506:21, 508:18, 509:1, 526:3, 538:6, 541:10, 542:4, 543:22, 543:25, 544:21, 546:7, 558:3, 563:11, 572:22, 573:3, 573:15, 587:16, 718:14, 740:2, 746:16, 746:19, 748:2,</p>	<p>749:20, 759:23, 809:6, 818:15, 819:11, 819:16, 820:5, 823:10, 825:1, 840:15, 840:23, 853:18, 855:4, 856:2, 856:10, 868:9, 868:13, 868:21, 872:13, 875:15, 875:17, 875:25, 876:14, 877:10, 879:24, 882:20, 885:14, 885:17, 885:20, 885:23, 886:15, 888:17, 888:20</p> <p>NewEnergy [3] - 260:1, 260:2, 262:1</p> <p>newer [5] - 108:14, 184:14, 343:2, 436:20, 655:20</p> <p>newly [1] - 300:23</p> <p>News [1] - 345:12</p> <p>news [3] - 76:5, 104:14, 112:19</p> <p>Newscomb [1] - 846:23</p> <p>newsletter [2] - 802:4, 803:8</p> <p>newspapers [1] - 170:6</p> <p>next [92] - 4:8, 11:9, 13:1, 14:5, 15:17, 16:7, 18:11, 23:15, 35:24, 38:5, 41:9, 49:1, 60:12, 61:22, 65:7, 65:20, 90:19, 91:11, 92:16, 118:20,</p>
--	--	---	---	--	---	--

<p>119:12, 143:4, 146:10, 153:8, 156:12, 172:5, 173:8, 174:21, 177:24, 187:15, 194:21, 196:19, 199:8, 230:15, 230:24, 230:25, 261:7, 263:11, 264:14, 265:23, 266:1, 322:15, 329:17, 335:16, 338:7, 344:13, 348:3, 356:23, 403:7, 404:3, 409:9, 415:14, 416:24, 426:9, 427:5, 436:4, 454:10, 454:14, 463:15, 478:18, 501:13, 508:24, 512:13, 521:17, 559:10, 580:14, 581:1, 581:8, 583:3, 616:18, 629:22, 647:2, 653:8, 655:19, 659:3, 695:5, 707:21, 713:10, 739:15, 771:7, 775:1, 776:2, 779:21, 783:20, 814:17, 818:9, 818:24, 846:18, 872:7, 875:5, 879:11</p> <p>Next [26] - 177:4, 230:12, 232:5, 232:10, 232:15, 232:17, 233:12, 233:22, 234:3, 234:11, 234:14, 235:6, 235:18, 236:3, 257:20, 258:23, 259:16, 264:7,</p>	<p>373:2, 396:20, 550:24, 734:17, 734:21, 798:4, 823:19, 824:20</p> <p>NGOs [1] - 246:15</p> <p>nice [16] - 36:6, 89:18, 90:8, 90:12, 170:5, 235:9, 246:19, 433:4, 480:12, 504:22, 560:3, 561:25, 611:6, 667:12, 715:4, 725:18</p> <p>nicely [1] - 614:9</p> <p>Nick [3] - 54:2, 57:3, 57:7</p> <p>Nicol [3] - 67:10, 67:12, 69:24</p> <p>nifty [1] - 25:11</p> <p>night [88] - 1:7, 10:6, 30:24, 46:21, 48:15, 48:17, 48:19, 108:8, 144:13, 145:16, 145:17, 145:20, 157:6, 162:22, 170:7, 180:15, 181:14, 182:4, 208:23, 237:4, 238:1, 238:14, 242:20, 243:14, 244:8, 255:19, 256:22, 266:12, 270:23, 271:11, 276:19, 280:15, 280:21, 282:13, 336:6, 379:14, 382:22, 382:25, 391:23, 396:1, 441:2, 441:3, 445:13, 446:16, 448:4,</p>	<p>452:6, 453:6, 454:14, 467:3, 467:10, 467:16, 471:4, 471:12, 472:23, 475:5, 475:21, 476:10, 497:20, 510:12, 517:13, 519:16, 531:22, 537:3, 537:10, 544:6, 544:22, 546:22, 569:16, 569:21, 569:22, 581:5, 591:24, 592:8, 594:2, 666:8, 666:9, 666:25, 667:3, 667:21, 667:22, 669:14, 670:7, 670:10, 674:3, 683:21, 790:12, 803:18</p> <p>nightingale s [1] - 556:3</p> <p>nightly [1] - 99:24</p> <p>nightmare [1] - 611:9</p> <p>nightmares [1] - 486:2</p> <p>nights [9] - 145:7, 237:24, 238:2, 244:7, 244:10, 298:6, 466:4, 539:5, 553:7</p> <p>nighttime [4] - 99:22, 145:18, 242:10, 306:13</p> <p>NIMBY [5] - 111:3, 111:11, 176:13, 467:10, 530:14</p> <p>NIMBYs [3] - 64:13, 116:16, 706:15</p> <p>nine [7] - 38:14, 152:8, 200:8, 518:7, 521:14, 613:5,</p>	<p>680:17</p> <p>Ninety [1] - 430:12</p> <p>Ninety-five [1] - 430:12</p> <p>Nirenberg [3] - 360:22, 362:16, 362:20</p> <p>nitrogen [6] - 278:24, 403:15, 404:19, 826:12, 858:4, 866:20</p> <p>Nitrogen [1] - 405:2</p> <p>NOAA [1] - 416:13</p> <p>nobody [1] - 888:24</p> <p>Nobody [4] - 41:4, 462:7, 587:4, 846:16</p> <p>nobody's [1] - 279:15</p> <p>nocturnal [2] - 48:18, 732:1</p> <p>nocturnally [3] - 302:11, 303:13, 305:16</p> <p>nodule [3] - 659:20, 660:11, 660:24</p> <p>noise [2] - 22:18, 257:6</p> <p>noisy [1] - 445:3</p> <p>non [13] - 59:22, 178:22, 211:4, 377:15, 465:11, 485:24, 565:1, 604:11, 752:4, 818:2, 823:15, 848:11, 852:17</p> <p>None [6] - 71:19, 85:8, 702:2, 738:3, 805:19, 805:20</p> <p>none [11] - 142:10, 247:19, 347:22, 376:8, 389:21, 591:21, 650:1,</p>	<p>706:15, 810:1, 844:10, 844:16</p> <p>Nonetheles s [2] - 652:3, 827:5</p> <p>nonprofit [6] - 54:5, 152:10, 511:15, 816:23, 817:23, 889:15</p> <p>nonprofits [1] - 835:11</p> <p>nonrenewa ble [2] - 80:24, 598:24</p> <p>nontradition al [1] - 68:2</p> <p>NOOBYS [1] - 116:16</p> <p>nooses [1] - 53:1</p> <p>normal [14] - 190:2, 201:10, 206:2, 258:8, 259:11, 338:3, 367:4, 376:20, 616:20, 647:18, 648:23, 652:25, 659:24, 691:13</p> <p>normally [7] - 5:22, 216:20, 335:4, 433:23, 571:25, 613:21, 691:12</p> <p>normative [1] - 247:1</p> <p>Norridgewo ck [2] - 521:20, 523:5</p> <p>North [29] - 67:19, 67:21, 176:24, 177:17, 200:6, 224:23, 233:5, 256:20, 260:3, 323:19, 323:20, 323:25, 324:7, 325:1, 325:2, 483:6, 548:17, 548:22, 549:3, 549:5, 604:12, 605:6, 623:6, 623:10,</p>	<p>623:22, 623:25, 748:3, 769:15, 782:21</p> <p>north [14] - 58:24, 86:8, 126:2, 206:9, 224:8, 232:9, 453:10, 538:6, 547:11, 621:18, 724:25, 725:24, 742:10, 742:11</p> <p>north/south [1] - 409:14</p> <p>northbound [1] - 738:23</p> <p>northeast [18] - 114:14, 242:8, 405:7, 481:16, 515:14, 524:5, 732:4, 759:14, 760:18, 760:20, 791:25, 792:3, 798:11, 798:13, 798:24, 800:1, 800:7, 851:9</p> <p>northeast's [1] - 732:3</p> <p>northeaster n [6] - 294:25, 534:25, 540:21, 750:1, 793:12, 851:8</p> <p>Northern [1] - 505:3</p> <p>northern [35] - 71:19, 85:22, 99:23, 102:25, 297:24, 298:2, 299:16, 299:22, 302:20, 390:10, 390:12, 397:1, 400:8, 498:3, 501:4, 501:19, 532:21, 540:17, 540:20, 553:6, 553:8, 727:14, 727:23, 729:1, 729:4, 729:12, 729:18, 730:7, 730:11,</p>	<p>759:20, 761:23, 806:16, 820:1, 820:3, 826:7</p> <p>northward [11] - 96:6, 102:6, 102:7, 102:13, 146:13, 542:22, 782:22, 800:6, 803:11, 803:25, 804:4</p> <p>northwest [4] - 496:16, 498:25, 556:10, 831:2</p> <p>northwester n [3] - 53:9, 496:24, 851:8</p> <p>nose [1] - 132:12</p> <p>not-moving [1] - 659:21</p> <p>notable [1] - 683:14</p> <p>notably [3] - 358:23, 818:19, 819:11</p> <p>notarized [3] - 892:9, 892:14, 892:15</p> <p>Notch [2] - 752:13, 778:15</p> <p>note [28] - 15:1, 19:17, 22:9, 66:1, 102:2, 145:13, 198:17, 199:15, 208:11, 227:19, 290:8, 312:19, 325:5, 325:8, 408:25, 409:7, 413:23, 421:15, 472:8, 473:21, 741:13, 741:18, 743:21, 744:12, 744:18, 849:18, 851:16, 867:14</p> <p>note's [1] - 313:1</p>
---	--	---	--	---	--	--

<p>noted [10] - 84:19, 421:15, 489:25, 571:22, 700:6, 721:18, 721:19, 742:18, 744:17, 882:17</p> <p>notes [10] - 266:13, 280:14, 286:24, 582:24, 587:6, 677:25, 710:17, 863:15, 863:16</p> <p>noteworthy [1] - 683:6</p> <p>nothing [41] - 38:22, 42:17, 42:18, 54:21, 110:23, 184:2, 245:1, 277:7, 279:19, 307:10, 348:24, 348:25, 373:1, 375:21, 420:18, 420:20, 421:19, 427:13, 430:24, 431:21, 461:10, 462:18, 463:25, 480:7, 501:20, 502:20, 527:6, 547:5, 582:18, 620:15, 675:3, 679:13, 714:20, 716:6, 745:14, 812:4, 874:20, 880:17, 891:16, 893:5</p> <p>Nothing [2] - 585:6, 736:15</p> <p>Notice [4] - 233:19, 233:20, 332:8</p> <p>notice [10] - 29:14, 30:20, 230:15, 261:11, 404:21, 450:9, 505:17,</p>	<p>696:20, 716:11, 829:18</p> <p>noticeable [3] - 607:21, 665:7, 666:13</p> <p>noticed [3] - 138:4, 534:4, 620:1</p> <p>noticing [1] - 800:14</p> <p>notified [3] - 8:6, 8:10, 160:15</p> <p>notify [2] - 332:19, 782:11</p> <p>noting [3] - 246:22, 293:12, 748:19</p> <p>notion [4] - 225:3, 455:19, 668:3, 804:23</p> <p>nowhere [2] - 732:3, 760:15</p> <p>NOX [14] - 402:3, 402:4, 403:15, 403:19, 403:20, 404:23, 405:6, 405:8, 425:24, 858:20, 871:15, 871:16, 879:16, 879:21</p> <p>noxious [1] - 483:24</p> <p>NRC [2] - 808:15, 808:19</p> <p>NRCM [18] - 167:13, 229:4, 262:11, 262:22, 265:21, 385:11, 426:8, 427:14, 427:17, 431:15, 569:12, 578:5, 583:11, 583:16, 584:23, 586:5, 771:1, 842:7</p> <p>NRCM's [3] - 262:18, 585:18,</p>	<p>811:16</p> <p>NRCS [1] - 385:16</p> <p>NRPA [2] - 319:17, 754:5</p> <p>Nubble [152] - 2:15, 6:9, 6:16, 6:24, 10:18, 13:7, 23:24, 32:1, 36:15, 45:4, 56:6, 56:10, 56:16, 63:21, 71:5, 71:13, 94:24, 98:15, 104:8, 106:22, 110:10, 111:6, 123:15, 132:23, 150:23, 158:4, 158:13, 159:6, 169:7, 171:3, 171:5, 172:4, 172:20, 173:25, 196:11, 197:15, 222:2, 226:11, 231:8, 231:9, 233:23, 251:10, 288:8, 288:15, 288:20, 290:15, 298:7, 298:16, 298:24, 299:20, 302:21, 304:25, 311:11, 314:10, 347:23, 348:4, 348:9, 349:3, 349:21, 350:1, 351:16, 352:21, 356:7, 426:19, 427:19, 428:11, 429:2, 429:19, 429:24, 430:4, 430:6, 430:10, 430:13, 431:2, 432:9, 433:4, 433:7, 438:18, 439:20, 442:13, 442:20, 443:4, 455:21, 456:19, 457:11, 464:5, 464:22, 466:4,</p>	<p>473:11, 477:13, 478:15, 478:22, 482:9, 489:5, 490:10, 490:21, 493:6, 494:8, 495:7, 495:22, 499:14, 521:22, 527:24, 534:19, 536:11, 547:23, 554:11, 554:12, 559:24, 560:8, 570:17, 575:21, 576:8, 582:9, 582:11, 606:22, 606:24, 631:22, 633:25, 634:6, 634:7, 634:9, 634:14, 634:22, 640:23, 664:13, 687:12, 687:22, 688:5, 688:21, 689:16, 697:13, 713:12, 715:25, 736:20, 755:1, 758:12, 770:22, 770:25, 771:4, 771:22, 772:1, 772:14, 773:7, 780:4, 809:16, 810:1, 810:9, 811:9, 811:14, 811:22, 841:15</p> <p>Nubble-only [12] - 56:16, 348:9, 349:3, 351:16, 352:21, 356:7, 426:19, 430:13, 575:21, 770:25, 771:4, 811:22</p> <p>nuclear [24] - 60:1, 89:11, 89:12, 90:7, 92:1, 113:18,</p>	<p>113:19, 115:21, 115:22, 115:23, 115:25, 252:16, 281:21, 337:11, 382:17, 382:21, 383:4, 472:13, 532:23, 564:1, 564:2, 564:4, 648:18</p> <p>Nuclear [2] - 53:18, 538:23</p> <p>number [130] - 9:16, 14:1, 41:22, 56:5, 103:7, 127:20, 128:10, 128:18, 129:3, 138:9, 144:23, 172:23, 184:25, 189:12, 195:7, 195:9, 197:22, 199:3, 208:19, 220:25, 229:14, 230:10, 232:16, 234:7, 235:20, 235:23, 237:21, 276:11, 286:7, 286:8, 287:15, 291:25, 301:14, 303:10, 307:1, 309:5, 312:13, 314:12, 319:21, 332:1, 334:5, 334:15, 356:15, 366:13, 366:18, 369:8, 378:22, 379:14, 381:9, 381:10, 381:11, 391:8, 392:18, 399:10, 399:11, 401:20, 401:25, 405:18, 407:17, 411:7, 411:16, 414:2, 414:14, 414:20, 436:2,</p>	<p>436:11, 444:2, 475:9, 479:17, 496:10, 510:6, 514:13, 522:5, 537:10, 576:18, 578:17, 578:20, 580:2, 583:21, 583:22, 583:24, 584:8, 614:10, 615:13, 616:9, 635:8, 636:3, 643:17, 681:6, 683:20, 690:18, 690:25, 694:16, 695:11, 712:1, 731:25, 734:20, 745:1, 750:18, 758:16, 758:17, 759:4, 776:5, 777:18, 778:1, 778:9, 785:24, 786:9, 787:3, 791:6, 796:12, 799:6, 815:1, 820:11, 836:21, 837:6, 852:18, 861:12, 862:5, 863:18, 865:8, 868:21, 869:23, 869:24, 880:8, 888:2, 888:3, 888:5, 888:15</p> <p>numbers [49] - 31:14, 55:4, 283:9, 298:3, 306:13, 323:21, 361:19, 362:8, 362:17, 380:13, 404:8, 404:13, 404:15, 404:16, 408:4, 411:24, 413:19, 413:21, 423:3, 425:21, 425:22, 433:22, 434:15, 435:7, 435:8, 437:9, 437:12, 438:20,</p>	<p>450:23, 475:6, 498:10, 524:10, 542:2, 589:14, 634:24, 635:2, 635:6, 638:24, 711:14, 777:23, 777:25, 799:6, 799:7, 802:9, 834:1, 873:4, 880:3, 880:6, 883:10</p> <p>Numerous [1] - 196:4</p> <p>numerous [14] - 15:21, 68:17, 72:10, 92:12, 167:3, 173:2, 195:13, 361:6, 683:25, 684:3, 685:2, 699:5, 745:4, 847:24</p> <p>nurse [1] - 30:18</p> <p>nutshell [2] - 391:20, 400:16</p>
O						<p>o'clock [12] - 154:6, 266:23, 282:18, 385:24, 426:5, 426:12, 440:18, 441:6, 441:13, 633:1, 680:3, 723:3</p> <p>O'TOOLE [1] - 484:14</p> <p>O'Toole [2] - 482:23, 484:14</p> <p>oak [1] - 232:22</p> <p>oath [1] - 643:24</p> <p>object [17] - 25:21, 26:12, 250:11, 251:23, 517:16, 648:19, 653:12, 658:4, 658:16, 658:25, 659:4, 659:19,</p>

<p>659:22, 672:24, 673:10, 679:15 objected [2] - 362:22, 363:15 objecting [1] - 773:18 objection [12] - 19:6, 55:17, 92:7, 125:3, 359:25, 360:8, 360:14, 362:25, 363:11, 892:16, 892:18, 892:19 Objection [1] - 877:5 objectionable [2] - 473:7, 473:8 objections [4] - 34:4, 74:5, 93:2 objective [8] - 276:16, 431:9, 472:6, 489:4, 603:6, 603:8, 603:9, 629:11 objectives [1] - 277:12 objects [14] - 247:3, 247:9, 250:16, 252:11, 633:3, 653:1, 653:6, 653:25, 656:16, 657:14, 657:23, 658:2, 661:8, 679:16 obligated [1] - 51:3 obligation [6] - 95:24, 426:7, 440:19, 441:5, 471:9, 765:6 obligations [3] - 50:25, 330:6, 330:9 obscure [1] - 299:24 obscured [1] - 312:19 obscuring [1] - 47:19</p>	<p>observation [7] - 251:5, 251:20, 412:12, 501:21, 596:21, 708:2, 807:13 observation s [5] - 295:13, 432:8, 633:23, 633:24, 645:22 observatory [2] - 674:4, 674:12 observed [4] - 50:6, 493:19, 501:24, 726:7 observer [1] - 601:25 observing [2] - 830:1 obstacle [1] - 384:18 obstacles [1] - 731:25 obstinate [1] - 509:9 obtain [1] - 461:19 obtained [1] - 107:11 obtrusive [2] - 492:10, 505:22 obvious [13] - 151:9, 477:20, 573:12, 576:5, 625:1, 625:2, 629:18, 668:15, 668:16, 669:24, 686:16, 757:18, 833:15 Obviously [15] - 55:21, 238:23, 335:10, 385:13, 598:21, 658:15, 824:20, 849:14, 850:7, 854:20, 860:19, 865:6, 880:2, 880:3, 893:9</p>	<p>obviously [26] - 181:25, 183:8, 190:17, 229:11, 282:21, 284:12, 331:3, 377:24, 562:3, 614:16, 620:21, 620:24, 620:25, 621:2, 621:5, 753:19, 779:25, 814:19, 854:9, 854:23, 862:13, 865:25, 866:14, 869:18, 886:18, 889:5 occasion [2] - 361:19, 875:9 occasionally y [5] - 57:20, 334:17, 334:18, 334:23, 506:12 occasions [4] - 195:14, 326:23, 405:7, 510:7 occupied [1] - 224:21 occupies [1] - 649:2 occur [15] - 198:19, 215:9, 277:25, 298:8, 352:22, 390:6, 400:7, 603:7, 695:9, 717:17, 725:8, 726:9, 731:5, 743:13, 773:9 occurred [5] - 356:1, 358:22, 392:10, 392:11, 453:10 occurring [10] - 261:3, 265:8, 265:9, 304:9, 403:1, 565:23, 632:19, 726:7, 742:17, 766:25</p>	<p>occurs [8] - 199:9, 225:6, 732:3, 732:8, 760:18, 760:24, 766:11, 826:12 ocean [14] - 35:9, 114:5, 119:8, 126:5, 140:12, 140:19, 140:21, 143:3, 415:16, 415:20, 416:1, 522:6, 541:18, 565:13 Ocean [1] - 416:14 Oceanic [1] - 416:13 oceans [3] - 270:3, 415:12, 416:15 October [3] - 145:17, 195:14, 520:24 odd [1] - 387:15 off-site [3] - 173:16, 173:20, 174:8 offended [1] - 569:4 offends [1] - 708:11 offense [1] - 90:18 offensive [5] - 52:23, 53:21, 83:7, 83:8, 695:21 offer [31] - 15:5, 15:11, 37:4, 247:2, 261:21, 261:22, 414:7, 416:11, 443:21, 443:24, 464:2, 482:9, 527:10, 580:1, 596:20, 603:21, 604:2, 686:1, 693:24, 705:3, 749:24, 780:7, 838:8, 838:17, 839:2, 839:7, 845:25, 846:1, 864:25,</p>	<p>883:10 offered [4] - 52:17, 72:14, 205:15, 576:21 offering [6] - 268:18, 414:11, 774:5, 774:7, 822:7, 864:24 offers [7] - 15:14, 72:15, 78:4, 109:3, 286:9, 321:19, 614:11 office [16] - 81:24, 156:15, 300:2, 312:2, 378:14, 491:20, 506:11, 506:13, 544:14, 592:25, 595:15, 613:6, 746:19, 802:21, 838:4, 874:11 officer [6] - 1:5, 155:1, 162:3, 162:11, 162:13, 332:15 officer's [1] - 360:7 offices [1] - 802:21 official [4] - 1:23, 95:23, 444:15, 464:5 officials [1] - 96:17 offline [2] - 841:21, 841:25 offs [4] - 104:13, 134:14, 134:15, 457:8 offset [7] - 153:9, 237:1, 276:21, 277:16, 280:18, 446:3, 572:3 offsets [1] - 277:10 offshore [4] - 166:5, 166:7, 171:18,</p>	<p>682:24 Offshore [1] - 374:1 oft [1] - 595:25 often [17] - 17:12, 20:10, 23:6, 48:2, 54:18, 70:10, 75:23, 87:2, 92:11, 244:6, 324:13, 410:3, 492:24, 580:23, 665:11, 718:3, 865:16 Oh-My-Gosh [1] - 30:5 Ohio [2] - 89:18, 497:3 oil [50] - 22:18, 23:3, 39:17, 39:18, 39:20, 39:23, 40:8, 40:9, 44:11, 60:2, 64:8, 66:9, 80:25, 97:10, 110:20, 114:22, 115:6, 115:7, 126:13, 126:14, 140:3, 164:8, 187:22, 259:10, 265:10, 265:16, 334:8, 337:13, 338:21, 384:16, 402:21, 403:7, 403:13, 449:9, 452:19, 452:23, 468:24, 471:5, 483:20, 533:6, 557:19, 557:21, 558:15, 582:2, 582:6, 857:23, 863:3, 863:5, 873:3 Oil [3] - 39:16, 127:10, 468:13 Old [4] - 338:11, 478:14, 497:23, 501:13 old [28] -</p>	<p>22:19, 35:4, 35:6, 36:14, 62:13, 68:4, 81:4, 90:17, 116:17, 122:15, 122:18, 141:9, 141:10, 242:25, 296:3, 337:13, 338:7, 338:8, 399:20, 446:5, 467:9, 469:20, 469:21, 525:23, 546:17, 689:6, 708:7 older [5] - 297:9, 338:12, 510:5, 533:16, 580:11 oldest [4] - 87:24, 483:8, 508:9, 568:8 Olivia [1] - 483:16 Olympia [2] - 501:5, 501:7 Olympic [1] - 388:22 omitted [1] - 607:25 on-ground [2] - 725:12, 726:8 on-line [2] - 90:5, 521:1 on-site [7] - 173:16, 173:17, 174:8, 174:9, 178:24, 196:4, 664:5 on-the-ground [1] - 484:16 on/Redington [1] - 876:9 on/slow [1] - 671:19 once [41] - 21:6, 35:13, 39:25, 70:18, 112:17, 112:19, 121:13, 133:8, 144:19, 148:12, 171:4, 177:18, 205:10, 206:4,</p>
--	---	--	---	--	---	--

<p>217:1, 265:8, 325:23, 340:9, 396:4, 451:13, 488:14, 508:23, 509:25, 513:8, 521:13, 529:5, 529:6, 538:13, 553:11, 595:25, 624:25, 654:5, 708:9, 713:3, 714:12, 715:10, 795:15, 810:9, 864:14, 872:5, 881:12</p> <p>Once [7] - 95:5, 172:20, 173:15, 217:16, 485:8, 713:2, 881:14</p> <p>once-a-year [1] - 177:18</p> <p>One [79] - 11:1, 29:23, 83:11, 83:19, 92:21, 104:20, 123:2, 123:10, 125:1, 127:12, 130:14, 135:6, 144:19, 145:16, 151:22, 169:4, 174:15, 177:8, 192:7, 211:18, 215:18, 229:23, 240:11, 249:3, 262:14, 265:22, 273:21, 276:13, 304:1, 330:20, 346:16, 351:14, 381:23, 388:13, 393:13, 425:25, 439:25, 464:5, 468:13, 475:17, 477:7, 483:1, 504:19, 513:1, 546:9, 547:8, 548:1, 555:14, 571:22, 574:18, 605:18, 628:1, 630:18, 643:6,</p>	<p>647:17, 654:24, 661:10, 663:4, 669:16, 682:12, 717:17, 722:5, 728:19, 735:6, 746:23, 747:6, 749:3, 749:11, 759:11, 774:4, 775:15, 790:10, 809:21, 836:12, 846:9, 849:3, 861:14, 882:25, 886:22</p> <p>one [474] - 7:12, 9:21, 13:13, 26:14, 30:13, 30:18, 35:7, 35:8, 38:6, 39:14, 40:25, 41:9, 42:1, 42:7, 43:17, 45:14, 46:10, 47:1, 56:9, 59:15, 60:2, 60:19, 61:13, 63:10, 64:24, 65:10, 68:6, 69:5, 70:1, 72:24, 77:5, 78:9, 80:6, 80:14, 82:6, 92:15, 94:14, 94:16, 96:20, 97:2, 99:15, 100:6, 101:11, 104:20, 111:10, 112:22, 115:12, 115:19, 118:12, 119:1, 124:9, 125:2, 125:25, 128:16, 128:23, 129:5, 130:4, 130:11, 130:17, 134:15, 142:3, 142:9, 144:6, 145:1, 145:20, 150:19, 152:15, 153:3, 159:20, 163:22, 167:2, 167:14, 169:25,</p>	<p>174:14, 176:23, 177:1, 177:3, 180:10, 180:11, 187:8, 189:8, 194:20, 201:22, 207:2, 211:20, 219:18, 221:3, 221:9, 224:2, 224:7, 224:25, 230:16, 232:9, 236:21, 238:16, 238:24, 240:25, 241:2, 241:3, 244:20, 245:10, 245:18, 246:8, 246:16, 250:6, 250:7, 269:24, 269:25, 270:25, 272:15, 282:17, 282:24, 283:1, 283:7, 283:16, 283:24, 284:8, 284:14, 285:17, 291:19, 291:24, 294:8, 298:5, 298:9, 298:17, 299:6, 299:12, 299:21, 301:19, 302:3, 305:7, 313:11, 315:2, 316:10, 316:17, 318:20, 321:7, 324:14, 324:18, 325:20, 326:17, 327:21, 330:12, 336:5, 342:3, 342:16, 343:25, 345:4, 346:17, 346:18, 347:18, 347:19, 348:3, 350:18, 350:22, 350:23, 356:9, 357:5, 357:21, 357:22, 362:25, 364:16, 364:25, 365:8, 367:21,</p>	<p>367:22, 368:8, 373:24, 373:25, 376:18, 381:24, 383:8, 383:10, 389:17, 391:1, 391:15, 392:12, 393:8, 394:4, 395:2, 396:4, 397:1, 397:2, 397:4, 400:18, 401:24, 403:19, 406:10, 406:13, 406:21, 406:23, 407:20, 407:22, 407:24, 412:12, 413:14, 414:2, 415:25, 416:12, 421:19, 422:18, 424:10, 425:6, 425:9, 426:25, 427:15, 427:22, 428:16, 428:21, 429:1, 443:17, 444:8, 445:4, 446:11, 449:6, 449:13, 454:25, 459:10, 462:21, 464:2, 467:6, 468:3, 469:16, 470:13, 472:17, 474:10, 477:18, 478:20, 478:25, 480:16, 483:2, 485:4, 487:20, 488:11, 489:14, 490:2, 492:13, 498:24, 499:5, 500:9, 502:2, 504:23, 504:25, 507:6, 507:17, 508:8, 509:16, 510:4, 510:8, 512:6, 512:19,</p>	<p>513:23, 515:22, 516:6, 517:9, 519:7, 520:10, 520:17, 522:23, 524:3, 525:3, 526:9, 526:24, 527:2, 527:3, 527:21, 531:12, 532:3, 534:11, 538:19, 539:7, 541:10, 543:6, 545:5, 546:12, 548:7, 554:4, 555:11, 555:25, 557:1, 559:20, 560:16, 561:2, 564:10, 564:18, 569:15, 571:11, 573:11, 577:7, 577:10, 581:1, 581:4, 582:12, 583:3, 583:10, 586:18, 587:1, 587:9, 590:24, 596:1, 598:3, 599:4, 604:11, 604:17, 609:2, 610:7, 613:13, 616:13, 616:15, 617:20, 620:17, 620:18, 620:20, 636:20, 636:23, 636:24, 636:25, 645:25, 646:3, 648:19, 649:14, 654:8, 658:3, 661:14, 662:20, 664:22, 665:3, 665:8, 665:25, 669:12, 675:21, 677:14, 679:10, 681:19, 682:7, 683:20, 684:5, 685:11, 685:21, 686:11, 688:6, 688:25, 689:12,</p>	<p>691:24, 694:21, 695:6, 695:18, 695:25, 697:11, 697:23, 701:12, 702:15, 702:16, 705:13, 708:1, 708:3, 709:21, 713:18, 715:24, 721:25, 722:12, 727:25, 728:19, 728:20, 729:5, 731:20, 735:22, 738:4, 738:23, 740:2, 741:2, 741:25, 744:21, 745:13, 747:4, 747:7, 747:23, 748:8, 748:10, 749:3, 749:12, 760:13, 761:10, 770:13, 772:23, 773:6, 773:13, 775:19, 776:16, 779:18, 779:19, 783:16, 784:11, 786:21, 789:19, 791:15, 791:23, 798:12, 800:21, 802:17, 802:20, 802:24, 803:17, 806:14, 806:15, 806:17, 809:6, 809:8, 809:9, 810:21, 813:8, 814:6, 814:8, 816:23, 828:22, 830:6, 830:11, 831:9, 831:22, 832:21, 833:21, 837:11, 839:6,</p>	<p>840:7, 843:25, 844:1, 844:12, 845:9, 845:11, 846:7, 848:25, 849:24, 850:11, 851:7, 851:12, 852:7, 853:2, 856:19, 857:10, 860:19, 861:5, 861:14, 861:15, 863:20, 864:2, 866:24, 867:4, 868:11, 869:17, 870:16, 870:18, 873:18, 873:22, 876:11, 879:10, 879:15, 879:18, 880:18, 882:9, 885:17, 889:2, 893:21</p> <p>one's [1] - 422:18</p> <p>one-fifth [1] - 520:10</p> <p>one-half [6] - 153:3, 541:10, 557:1, 870:16, 870:18, 879:10</p> <p>one-shot [1] - 504:23</p> <p>one-third [4] - 7:12, 159:20, 443:17, 709:21</p> <p>onerous [1] - 647:24</p> <p>ones [30] - 21:4, 46:24, 90:22, 90:24, 91:11, 152:19, 179:13, 217:11, 234:5, 354:16, 382:13, 384:12, 428:24, 470:14, 513:21, 531:25, 531:25, 533:7, 582:11, 625:20,</p>
--	---	---	---	---	---	---

<p>637:25, 662:2, 700:5, 756:18, 775:19, 812:20, 842:17, 869:14, 883:2</p> <p>ongoing [5] - 287:14, 308:3, 799:1, 806:19, 880:13</p> <p>Onion [1] - 540:10</p> <p>online [2] - 841:24, 853:7</p> <p>onshore [1] - 166:10</p> <p>Ontario [1] - 200:17</p> <p>onus [1] - 121:24</p> <p>OPEC [5] - 59:11, 118:6, 118:7, 118:8, 468:12</p> <p>open [35] - 3:24, 95:5, 100:15, 117:22, 118:19, 157:9, 185:14, 185:15, 185:18, 185:22, 208:3, 208:4, 248:24, 249:24, 333:10, 408:9, 431:16, 485:2, 488:15, 586:9, 594:4, 603:17, 603:24, 604:1, 604:10, 605:12, 606:23, 607:6, 666:17, 682:23, 739:4, 739:5, 746:7, 802:8, 891:23</p> <p>open-ended [1] - 431:16</p> <p>opener [1] - 474:8</p> <p>opening [3] - 300:8, 493:3, 780:19</p> <p>openings [3] - 241:15, 296:21, 689:14</p> <p>opens [1] - 536:19</p>	<p>operate [24] - 22:24, 27:25, 28:21, 28:22, 28:23, 50:19, 170:13, 177:24, 178:7, 178:16, 179:15, 182:15, 259:11, 278:16, 279:2, 303:15, 357:19, 357:20, 357:22, 358:7, 366:19, 367:20, 590:5, 613:24</p> <p>operated [10] - 56:8, 179:10, 357:13, 358:2, 358:3, 358:10, 443:11, 885:21, 885:24, 885:25</p> <p>operates [3] - 259:10, 817:9, 885:17</p> <p>operator [2] - 173:21, 179:12, 191:18, 192:5, 192:13, 258:8, 258:22, 260:24, 277:15, 278:2, 279:24, 309:16, 309:20, 337:12, 337:14, 340:6, 340:7, 342:8, 352:10, 352:17, 353:2, 358:5, 366:16, 424:7, 445:4, 479:14, 588:1, 849:22, 861:25, 863:1, 865:7, 876:22</p> <p>operation [23] - 10:23, 15:9, 106:3, 165:1, 165:5, 177:19, 178:2, 178:4, 178:9,</p>	<p>178:24, 179:6, 179:9, 258:19, 281:7, 332:24, 357:10, 365:24, 376:15, 377:2, 377:10, 732:19, 880:17, 890:8</p> <p>Operation [3] - 376:21, 377:13, 378:20</p> <p>operational [4] - 27:7, 28:24, 29:15, 357:18</p> <p>operationall y [1] - 29:10</p> <p>operations [18] - 11:12, 26:10, 165:3, 178:13, 185:11, 216:24, 229:18, 229:20, 253:24, 276:2, 281:19, 328:18, 332:25, 480:4, 485:16, 711:13</p> <p>operator [2] - 380:20, 887:8</p> <p>Operator [1] - 259:14</p> <p>opinion [34] - 39:7, 60:23, 140:8, 142:7, 142:8, 204:17, 218:25, 278:9, 290:4, 306:9, 322:24, 355:23, 391:12, 393:13, 396:16, 431:19, 463:20, 467:23, 471:14, 477:19, 597:5, 607:18, 646:1, 648:25, 654:1, 673:7, 679:13, 714:23, 725:6, 757:17, 774:5, 774:7, 800:18, 848:25</p>	<p>opinions [10] - 92:11, 92:14, 96:18, 147:13, 251:4, 454:13, 816:6, 816:8, 833:23</p> <p>Opponents [1] - 726:17</p> <p>opponents [6] - 169:15, 413:13, 511:24, 682:9, 820:7, 845:15</p> <p>opponents' [1] - 825:21</p> <p>opportunitie s [11] - 15:16, 43:18, 108:24, 169:10, 288:5, 495:15, 545:13, 598:12, 630:2, 740:10, 890:16</p> <p>opportunity [67] - 10:9, 20:12, 38:8, 54:24, 58:16, 60:15, 70:24, 72:20, 73:13, 80:22, 80:25, 81:22, 83:22, 93:21, 96:16, 104:9, 106:19, 110:2, 119:13, 123:10, 133:18, 133:25, 135:2, 139:10, 148:15, 149:14, 149:17, 225:22, 350:17, 374:9, 386:7, 458:11, 467:22, 471:20, 474:13, 503:3, 503:4, 509:13, 521:21, 523:12, 523:19, 525:9, 526:6, 529:10, 534:23, 545:24, 556:19, 556:22, 568:22, 586:13,</p>	<p>593:17, 596:21, 598:10, 629:23, 651:5, 707:25, 746:11, 748:23, 756:23, 816:5, 816:7, 836:25, 875:13, 875:16, 890:17</p> <p>oppose [19] - 23:21, 94:22, 94:23, 132:7, 150:5, 150:22, 394:18, 494:13, 534:18, 615:16, 615:22, 737:15, 737:20, 737:22, 740:2, 771:3, 806:6, 809:11</p> <p>opposed [37] - 33:2, 38:22, 40:21, 44:24, 46:23, 47:8, 49:2, 85:1, 88:18, 193:2, 247:19, 280:12, 317:13, 340:19, 457:20, 464:4, 475:8, 477:11, 494:7, 514:3, 527:11, 530:1, 554:10, 555:19, 560:22, 560:25, 561:2, 562:25, 563:24, 589:9, 618:14, 726:19, 737:12, 739:23, 750:7, 807:5, 809:6</p> <p>opposes [1] - 544:5</p> <p>opposing [8] - 70:8, 70:11, 203:18, 615:18, 717:1, 717:2, 717:5, 870:5</p> <p>opposite [2] -</p>	<p>152:3, 471:16</p> <p>opposition [22] - 8:23, 72:13, 129:10, 147:15, 161:12, 444:19, 447:5, 487:2, 489:1, 491:7, 491:8, 494:10, 494:11, 500:4, 513:25, 527:25, 528:1, 806:14, 806:15, 806:21, 807:2, 807:15</p> <p>opted [1] - 107:15</p> <p>optimal [1] - 378:11</p> <p>option [15] - 42:18, 43:15, 54:12, 56:17, 127:19, 208:7, 315:3, 315:4, 348:9, 349:3, 426:20, 438:23, 472:14, 522:7, 821:16</p> <p>options [11] - 126:16, 126:20, 208:19, 224:6, 286:8, 314:23, 315:2, 391:17, 397:24, 397:25, 578:1</p> <p>Oquossoc [7] - 37:9, 119:17, 221:4, 499:5, 499:9, 516:20, 759:22</p> <p>oral [1] - 638:25</p> <p>orally [1] - 770:22</p> <p>oranges [1] - 622:6</p> <p>orators [1] - 463:5</p> <p>order [77] - 5:21, 9:6, 17:11, 47:18, 55:21, 59:10, 94:24, 96:18, 100:7, 120:21, 161:23,</p>	<p>175:10, 182:16, 182:22, 192:22, 213:1, 219:16, 223:15, 272:23, 276:21, 303:22, 311:11, 352:7, 369:17, 369:21, 370:2, 383:15, 386:20, 386:25, 393:19, 405:21, 410:14, 423:21, 424:10, 433:9, 439:10, 444:1, 450:4, 456:7, 474:15, 485:16, 494:15, 495:10, 495:11, 550:8, 573:18, 574:24, 580:10, 633:12, 673:7, 714:4, 720:25, 726:21, 734:4, 740:12, 768:9, 771:16, 804:2, 820:6, 840:18, 850:6, 850:18, 853:6, 854:1, 855:16, 857:3, 859:14, 861:16, 863:10, 864:10, 864:12, 865:12, 865:18, 880:21, 881:1, 888:13, 888:21</p> <p>ordering [1] - 190:18</p> <p>orders [1] - 357:15</p> <p>ordinance [1] - 467:21</p> <p>Oregon [4] - 375:11, 375:15, 375:22, 376:5</p> <p>Organic [2] -</p>
--	--	--	--	---	---	--

<p>214:17, 216:17</p> <p>organic [9] - 62:11, 214:14, 214:15, 215:1, 215:5, 215:6, 216:16, 216:21, 218:20</p> <p>organizatio n [23] - 43:3, 44:10, 54:5, 97:23, 100:14, 190:23, 420:15, 483:8, 496:4, 511:15, 530:21, 751:24, 752:9, 777:13, 777:17, 778:16, 796:3, 797:25, 802:6, 803:6, 806:6, 808:6, 889:16</p> <p>Organizatio n [2] - 78:21, 357:25</p> <p>organizatio n's [3] - 41:14, 784:6, 806:7</p> <p>organizatio ns [26] - 52:3, 52:4, 72:6, 80:6, 152:10, 169:23, 180:24, 186:16, 190:24, 284:4, 350:21, 455:16, 494:22, 496:15, 505:6, 514:1, 558:9, 741:13, 752:11, 803:19, 815:23, 816:23, 817:3, 817:23, 818:2, 835:24</p> <p>organized [1] - 282:19</p> <p>Orient [1] - 711:25</p> <p>orientation [1] - 813:15</p> <p>oriented [1] - 498:5</p> <p>original [6] - 124:8, 248:7,</p>	<p>380:19, 601:4, 608:16, 704:25</p> <p>originally [5] - 150:25, 448:24, 495:16, 614:24, 874:25</p> <p>origination [1] - 259:25</p> <p>orintologist s [1] - 760:22</p> <p>Orland [1] - 821:1</p> <p>ornithology [1] - 143:20</p> <p>Orono [3] - 122:17, 503:13, 567:3</p> <p>Orrington [1] - 711:24</p> <p>orthoimagry [1] - 603:24</p> <p>ostensibly [1] - 659:19</p> <p>OSWALD [2] - 543:21, 543:24</p> <p>Oswald [4] - 537:24, 543:20, 543:21, 543:24</p> <p>otherwise [8] - 116:12, 117:4, 178:5, 231:24, 296:6, 384:20, 456:13, 535:24</p> <p>Otherwise [2] - 10:1, 291:23</p> <p>Otter [1] - 86:20</p> <p>ought [3] - 95:2, 140:11, 860:16</p> <p>ourselves [10] - 97:4, 97:9, 194:20, 435:12, 493:20, 506:25, 529:18, 551:17, 598:22, 828:17</p> <p>out-of-</p>	<p>minders [1] - 116:17</p> <p>out-of-sight [1] - 116:17</p> <p>out-of-state [5] - 50:5, 50:14, 503:2, 513:21, 553:13</p> <p>outcome [8] - 421:17, 427:14, 427:16, 429:9, 430:25, 573:21, 575:20, 646:20</p> <p>outcrop [1] - 605:12</p> <p>outdoor [9] - 11:20, 71:9, 128:10, 463:17, 475:15, 567:10, 610:21, 629:24, 641:2</p> <p>outdoors [3] - 80:12, 463:19, 598:15</p> <p>outer [1] - 221:3</p> <p>outermost [1] - 287:6</p> <p>outfitted [1] - 52:15</p> <p>outfitters [1] - 52:18</p> <p>outlet [1] - 198:25</p> <p>outlets [1] - 293:3</p> <p>outlier [1] - 749:25</p> <p>outline [1] - 100:20</p> <p>outlined [2] - 530:2, 571:12</p> <p>outnumber [1] - 55:16</p> <p>outnumber d [1] - 169:15</p> <p>output [45] - 12:24, 165:20, 167:9, 172:24, 192:9, 192:13, 192:14, 192:21, 192:23,</p>	<p>260:12, 262:14, 361:2, 361:13, 361:25, 362:17, 363:7, 364:22, 366:25, 372:15, 381:3, 412:20, 423:13, 423:17, 574:3, 578:13, 606:2, 633:4, 638:11, 821:18, 823:11, 840:3, 849:3, 849:20, 856:12, 862:23, 863:4, 868:11, 887:20, 887:21, 887:22, 887:23, 888:2, 888:3, 888:4</p> <p>outrageous [3] - 119:24, 151:22</p> <p>outright [1] - 570:16</p> <p>outs [2] - 254:18, 541:19</p> <p>outset [1] - 25:9</p> <p>Outside [5] - 2:18, 6:18, 158:16, 442:23, 741:6</p> <p>outside [30] - 7:9, 35:12, 48:4, 72:6, 101:13, 101:19, 125:25, 159:17, 243:5, 364:6, 397:12, 443:14, 532:21, 582:21, 606:16, 607:4, 613:8, 614:21, 627:6, 664:3, 683:22, 729:12, 730:24, 762:4, 779:3, 785:22, 808:3, 808:4, 840:12, 848:5</p> <p>Outstandin g [1] - 596:20</p>	<p>outstanding [4] - 13:11, 13:14, 16:3, 167:7</p> <p>outweigh [6] - 95:19, 105:1, 148:23, 261:25, 527:9, 827:6</p> <p>oval [1] - 733:8</p> <p>over-sized [1] - 763:7</p> <p>Overall [1] - 87:9</p> <p>overall [18] - 39:5, 86:13, 106:7, 244:15, 252:24, 357:18, 358:8, 597:12, 601:22, 602:6, 610:1, 646:15, 685:1, 747:22, 751:16, 751:18, 752:4, 842:1</p> <p>overarching [1] - 752:6</p> <p>overcome [3] - 55:22, 136:11, 551:7</p> <p>overdepend ence [1] - 164:8</p> <p>overdepend ent [1] - 257:24</p> <p>overemphas ize [2] - 673:13, 673:16</p> <p>overestimat ed [2] - 868:5</p> <p>overhead [3] - 205:11, 205:15</p> <p>overlaid [1] - 744:23</p> <p>overlap [1] - 608:21</p> <p>overlapped [1] - 603:25</p> <p>overlines [1] - 261:16</p> <p>overlook [2] - 324:8, 324:14</p> <p>overlooking [2] - 527:21, 540:6</p> <p>overlooks [1]</p>	<p>- 91:23</p> <p>overriding [2] - 147:2, 740:24</p> <p>overruns [1] - 486:2</p> <p>overseas [2] - 127:17, 746:18</p> <p>oversee [3] - 175:15, 746:19, 746:21</p> <p>overseeing [1] - 184:23</p> <p>overseer [1] - 735:9</p> <p>oversight [5] - 176:7, 176:13, 178:15, 752:16</p> <p>oversized [1] - 723:23</p> <p>overstate [2] - 167:4, 861:14</p> <p>overstated [2] - 848:11, 861:6</p> <p>overstating [1] - 868:16</p> <p>overview [7] - 9:23, 156:2, 177:5, 220:12, 442:2, 593:11, 672:9</p> <p>overviews [1] - 248:23</p> <p>overwhelm [5] - 31:13, 251:6, 610:13, 703:21, 704:5</p> <p>overwhelmi ng [6] - 55:22, 251:17, 514:11, 822:12, 833:13, 836:22</p> <p>owe [4] - 383:21, 470:10</p> <p>own [81] - 21:15, 38:17, 39:7, 55:23, 56:15, 72:14, 75:7, 80:7, 81:24, 83:23, 96:1, 110:9,</p>	<p>118:5, 122:19, 127:13, 131:19, 143:23, 156:25, 170:12, 173:18, 207:13, 231:19, 232:8, 248:2, 276:24, 276:25, 281:21, 281:22, 358:14, 358:16, 379:20, 382:17, 382:18, 411:11, 411:17, 413:11, 422:19, 425:4, 439:3, 452:3, 460:14, 465:20, 466:25, 467:1, 477:1, 477:7, 483:1, 515:9, 522:2, 523:5, 532:12, 560:1, 599:22, 613:19, 625:3, 669:15, 672:25, 728:10, 735:11, 747:3, 749:12, 750:25, 753:8, 765:20, 830:6, 831:5, 832:5, 832:6, 835:12, 835:17, 841:17, 850:12, 877:19</p> <p>owned [17] - 158:1, 281:20, 321:2, 321:12, 322:3, 358:9, 440:13, 461:20, 505:21, 559:23, 574:15, 574:20, 574:21, 611:6, 625:18, 697:8, 697:15</p> <p>owner [12] - 37:8, 93:25, 99:2, 172:17,</p>
---	---	---	--	--	--	--

<p>255:7, 279:25, 281:10, 281:11, 589:4, 589:5, 738:17</p> <p>owner's [1] - 464:16</p> <p>owners [9] - 32:11, 202:17, 272:13, 496:6, 567:14, 621:13, 621:24, 847:1, 850:14</p> <p>ownership [10] - 10:22, 390:16, 456:17, 599:25, 614:1, 614:6, 622:4, 698:13, 779:23, 780:4</p> <p>owning [3] - 68:17, 279:24, 359:7</p> <p>owns [10] - 21:13, 281:20, 382:14, 440:10, 489:25, 521:23, 530:11, 554:7, 613:19, 650:10</p> <p>ox [1] - 53:1</p> <p>oxide [5] - 278:24, 403:15, 405:2, 858:4, 866:20</p> <p>oxides [3] - 404:19, 425:24, 826:12</p> <p>oxygen [2] - 393:22, 718:1</p> <p>oxygenated [1] - 393:25</p> <p>ozone [4] - 405:6, 580:20, 798:10, 803:3</p>	<p>359:20, 441:17, 441:20, 512:15, 512:16, 592:10, 633:1, 723:9, 723:10, 894:3</p> <p>PA [1] - 51:13</p> <p>pace [1] - 146:9</p> <p>paces [1] - 893:19</p> <p>Pacific [6] - 58:8, 172:17, 496:16, 641:6, 641:10, 831:2</p> <p>pack [1] - 314:15</p> <p>package [3] - 15:15, 368:6, 368:7</p> <p>packed [1] - 365:8</p> <p>packet [1] - 581:14</p> <p>pad [2] - 198:14, 212:14</p> <p>paddling [1] - 535:15</p> <p>pads [2] - 215:23, 724:12</p> <p>Page [23] - 282:9, 289:12, 289:15, 304:19, 316:19, 317:15, 322:9, 325:4, 333:17, 360:20, 361:23, 376:14, 414:19, 432:18, 436:19, 437:4, 705:15, 749:14, 750:17, 761:15, 764:8, 764:14, 811:4</p> <p>page [9] - 140:25, 335:22, 580:9, 580:14, 581:1, 581:8, 787:18, 799:20, 803:8</p> <p>pages [5] - 22:4, 342:15,</p>	<p>581:12, 582:19, 780:9</p> <p>Pages [1] - 432:14</p> <p>paid [9] - 25:18, 588:15, 588:19, 590:3, 706:19, 821:16, 829:19, 871:6, 888:17</p> <p>painful [1] - 625:1</p> <p>pair [2] - 671:10, 671:18</p> <p>pairs [1] - 146:3</p> <p>Pakulov [2] - 407:21, 407:23</p> <p>Palace [2] - 449:4, 449:6</p> <p>PALCOR [2] - 335:22, 336:1</p> <p>pales [1] - 145:18</p> <p>PALMER [13] - 647:9, 665:2, 665:13, 666:4, 666:20, 666:23, 667:3, 667:9, 667:20, 667:24, 668:13, 670:12, 680:1</p> <p>Palmer [18] - 246:17, 246:18, 250:11, 252:9, 627:2, 635:1, 638:9, 638:14, 647:1, 647:5, 647:7, 647:9, 671:5, 671:7, 675:6, 675:8, 703:23, 704:4</p> <p>Palmer's [1] - 250:5</p> <p>Pam [5] - 317:10, 447:7, 457:16, 611:3, 626:17</p> <p>Pamela [4] - 65:5, 247:14, 460:16, 595:13</p> <p>pan [1] - 395:19</p> <p>pancake [1] -</p>	<p>562:11</p> <p>panel [33] - 114:13, 174:14, 174:15, 174:21, 179:21, 180:1, 187:2, 187:15, 187:19, 189:4, 194:22, 204:21, 210:24, 219:7, 219:9, 252:19, 252:23, 284:6, 680:18, 680:21, 707:22, 723:7, 726:24, 726:25, 727:1, 733:15, 739:20, 751:7, 751:11, 839:11, 864:22</p> <p>panelist [2] - 188:18, 735:6</p> <p>panels [12] - 19:25, 22:23, 88:13, 114:16, 163:7, 163:10, 170:23, 179:25, 187:3, 528:19, 680:17, 680:19</p> <p>panic [1] - 599:1</p> <p>panicky [1] - 457:4</p> <p>panoramic [4] - 23:23, 227:18, 321:19, 664:2</p> <p>panties [1] - 91:1</p> <p>paper [18] - 58:7, 65:17, 65:18, 83:7, 93:6, 112:20, 141:17, 141:21, 142:16, 276:4, 388:10, 389:1, 517:7, 661:20, 661:23, 729:19, 729:24, 830:18</p> <p>papers [3] - 113:6, 128:6,</p>	<p>129:19</p> <p>paradigm [2] - 408:22, 722:7</p> <p>paradise [1] - 106:6</p> <p>paragraph [9] - 36:3, 112:16, 361:23, 728:14, 798:4, 799:19, 799:22, 799:23, 800:18</p> <p>paragraphs [3] - 51:16, 797:21, 803:10</p> <p>parallel [6] - 223:17, 290:22, 712:8, 713:24, 725:1, 725:21</p> <p>parameter [2] - 754:10, 756:18</p> <p>parameters [5] - 189:24, 190:1, 190:17, 195:22, 719:16</p> <p>paramount [1] - 526:17</p> <p>paraphrase [1] - 766:8</p> <p>parcel [7] - 158:9, 172:18, 290:18, 442:17, 474:14, 752:23</p> <p>parcel-by-parcel [1] - 752:23</p> <p>parcels [4] - 6:13, 106:21, 158:3, 158:5</p> <p>pardon [2] - 468:6, 766:4</p> <p>parent [4] - 84:18, 151:17, 189:14, 189:18</p> <p>parenthesis [1] - 706:15</p> <p>Paris [4] - 92:25, 93:15, 476:18, 590:20</p>	<p>park [15] - 319:1, 319:5, 319:8, 320:4, 320:7, 353:12, 355:1, 355:5, 469:4, 559:4, 559:5, 595:18, 611:16, 611:19, 611:20</p> <p>Park [81] - 8:21, 9:11, 44:3, 156:8, 161:11, 162:8, 202:12, 247:15, 247:20, 247:24, 316:13, 317:8, 317:11, 317:12, 317:22, 318:1, 318:5, 318:22, 318:23, 319:6, 319:11, 355:3, 385:17, 486:13, 501:15, 584:18, 595:1, 595:8, 595:14, 595:16, 595:22, 596:1, 596:3, 596:4, 596:14, 597:19, 597:24, 597:25, 598:4, 599:5, 599:13, 599:15, 600:2, 600:11, 600:23, 611:15, 611:17, 611:18, 611:24, 611:25, 612:3, 612:7, 612:15, 612:24, 613:6, 613:7, 613:25, 614:7, 614:17, 614:18, 614:21, 615:15, 615:17, 628:4, 630:22, 641:16, 641:17, 643:11, 650:9, 729:19, 741:2, 741:6, 741:16, 748:1, 748:25,</p>	<p>751:19, 752:20, 753:7</p> <p>parking [4] - 225:20, 384:13, 531:18, 668:1</p> <p>parks [7] - 317:16, 319:8, 319:22, 501:11, 597:9, 611:12, 614:19</p> <p>Parks [4] - 224:1, 501:4, 599:21</p> <p>parley [1] - 783:12</p> <p>Parson [1] - 886:1</p> <p>part [172] - 1:23, 3:23, 20:11, 25:19, 37:8, 58:13, 58:15, 58:25, 61:16, 76:10, 80:5, 96:19, 102:25, 103:5, 115:2, 120:19, 129:16, 136:8, 140:21, 143:23, 175:8, 187:24, 188:5, 201:4, 205:2, 205:8, 206:17, 221:7, 225:12, 225:16, 240:18, 248:20, 249:4, 249:21, 250:7, 251:2, 255:21, 256:15, 258:3, 266:15, 270:15, 276:10, 276:16, 276:17, 277:10, 291:20, 294:19, 300:25, 303:18, 304:13, 308:6, 310:23, 316:13, 320:12, 322:7, 322:19, 326:20, 327:3, 342:12, 345:9, 346:15, 347:4, 357:11,</p>
P						
<p>p.m [18] - 1:1, 72:21, 72:22, 139:16, 139:17, 154:19, 283:13, 359:19,</p>						

<p>357:23, 358:7, 359:10, 359:13, 374:3, 375:11, 375:20, 375:22, 389:23, 393:10, 395:14, 398:17, 398:20, 399:24, 405:5, 405:8, 405:9, 418:12, 419:19, 423:24, 439:19, 459:23, 467:18, 468:25, 471:9, 477:8, 484:7, 486:16, 503:17, 515:16, 528:3, 530:25, 535:6, 538:22, 539:13, 547:4, 548:24, 549:1, 551:3, 553:2, 556:4, 558:6, 569:13, 571:19, 576:15, 583:6, 597:11, 597:17, 600:11, 608:25, 613:1, 613:9, 613:24, 615:8, 622:22, 630:22, 635:10, 636:10, 637:18, 639:7, 659:20, 659:21, 664:15, 673:22, 675:12, 681:20, 681:23, 685:1, 686:11, 688:11, 688:24, 689:14, 690:1, 695:19, 718:25, 720:14, 730:13, 733:10, 733:15, 741:24, 742:9,</p>	<p>743:17, 749:10, 771:23, 777:8, 784:6, 784:7, 786:16, 789:15, 789:17, 807:17, 808:10, 826:12, 826:15, 841:10, 843:6, 852:10, 855:17, 866:16, 866:19, 872:15, 873:6, 875:14, 875:24, 876:4, 884:13, 885:14, 891:10</p> <p>Part [7] - 20:25, 248:21, 248:25, 317:21, 728:1, 843:6, 865:5</p> <p>partial [5] - 48:10, 603:6, 603:9, 650:14, 801:5</p> <p>partially [1] - 172:9</p> <p>PARTICIPANT [22] - 33:6, 34:16, 36:12, 63:12, 248:16, 253:3, 401:8, 412:21, 442:10, 569:15, 569:19, 570:1, 570:3, 570:6, 570:8, 583:2, 620:5, 797:3, 812:3, 814:15, 814:21, 814:23</p> <p>participants [2] - 359:2, 785:24</p> <p>PARTICIPANTS [5] - 5:7, 73:6, 157:17, 441:22, 594:12</p> <p>participate [7] - 129:6, 354:16, 371:14,</p>	<p>515:11, 787:3, 787:21, 821:21</p> <p>participated [1] - 500:8</p> <p>participating [2] - 765:2, 830:9</p> <p>participation [3] - 8:21, 161:10, 360:10</p> <p>particular [82] - 70:13, 134:15, 140:15, 169:18, 169:25, 180:10, 222:8, 224:7, 233:1, 234:6, 234:16, 238:22, 269:24, 271:5, 288:13, 300:24, 301:10, 315:7, 318:15, 318:20, 320:6, 328:14, 348:2, 356:3, 356:10, 375:6, 389:18, 424:5, 424:11, 424:15, 465:19, 496:20, 513:7, 538:25, 545:1, 587:21, 594:18, 619:4, 619:20, 622:22, 647:23, 649:7, 649:20, 650:8, 655:1, 655:14, 657:2, 659:16, 662:19, 663:24, 665:7, 683:5, 683:6, 683:16, 684:14, 694:11, 694:12, 696:10, 699:3, 699:10, 721:22, 722:8, 734:4, 743:3, 745:3, 749:23, 751:10, 760:18, 768:9, 773:4, 779:18, 783:2, 819:15,</p>	<p>821:10, 826:1, 851:5, 870:5, 872:14, 882:10, 886:19, 887:21, 888:15</p> <p>particularized [1] - 507:3</p> <p>particularly [33] - 16:1, 141:11, 145:6, 156:20, 219:2, 235:10, 300:14, 366:18, 402:3, 402:4, 415:22, 416:7, 489:11, 525:19, 530:2, 543:4, 620:2, 621:2, 643:9, 651:23, 654:14, 655:13, 683:25, 692:7, 709:23, 740:17, 791:25, 800:2, 836:23, 843:24, 875:15, 893:8, 893:14</p> <p>particulars [1] - 719:18</p> <p>particulate [3] - 41:21, 405:9, 801:18</p> <p>parties [21] - 8:10, 8:20, 9:10, 160:16, 160:20, 161:10, 162:7, 163:14, 176:14, 187:10, 203:16, 333:21, 386:18, 416:12, 438:7, 450:9, 586:19, 644:3, 705:2, 782:12, 892:8</p> <p>partly [2] - 690:16, 838:7</p> <p>partner [6] - 13:4, 48:8, 164:24, 170:18, 548:5, 612:11</p> <p>partner's [1] -</p>	<p>506:13</p> <p>partners [1] - 43:5</p> <p>Partnership [2] - 821:23, 835:23</p> <p>partnership [4] - 10:19, 10:21, 107:17, 164:19</p> <p>Parts [1] - 19:9</p> <p>parts [25] - 71:17, 145:14, 147:21, 194:3, 240:17, 245:25, 247:4, 249:9, 249:10, 281:2, 295:20, 301:10, 427:10, 497:3, 511:19, 525:1, 554:23, 713:14, 719:8, 730:19, 749:21, 820:3, 825:14, 887:5</p> <p>party [8] - 8:14, 161:3, 175:18, 175:22, 333:8, 384:2, 408:25, 785:22</p> <p>pass [17] - 60:5, 100:23, 107:16, 122:19, 163:16, 242:3, 243:24, 416:21, 431:2, 550:8, 579:22, 629:4, 644:2, 686:1, 771:7, 830:18, 865:19</p> <p>passage [7] - 303:17, 550:5, 550:7, 733:25, 734:15</p> <p>passages [1] - 459:7</p> <p>passed [9] - 85:3, 98:5, 168:12, 170:7, 485:12, 536:19, 539:17, 867:15, 882:23</p> <p>passes [3] -</p>	<p>52:24, 598:10, 762:14</p> <p>passing [3] - 242:5, 416:25, 802:3</p> <p>passionate [2] - 107:21, 529:24</p> <p>passionately [1] - 134:10</p> <p>passions [1] - 427:6</p> <p>past [42] - 22:18, 23:10, 65:12, 67:20, 75:20, 76:1, 79:10, 81:14, 82:15, 83:22, 101:20, 110:8, 127:18, 128:12, 130:20, 132:10, 132:11, 149:19, 150:9, 152:8, 195:12, 241:1, 308:8, 315:14, 325:24, 380:10, 398:14, 401:14, 455:20, 481:10, 487:24, 508:18, 510:9, 518:16, 539:16, 668:20, 679:6, 686:23, 703:2, 841:18, 861:15, 892:13</p> <p>pastoral [1] - 93:12</p> <p>pat [1] - 209:2</p> <p>patent [1] - 419:3</p> <p>path [5] - 56:19, 68:12, 105:8, 686:13, 829:1</p> <p>pathogens [1] - 542:11</p> <p>paths [3] - 86:23, 86:24</p> <p>pathway [2] - 324:8, 790:7</p> <p>Pathways [1]</p>	<p>- 465:4</p> <p>patience [2] - 84:6, 816:6</p> <p>pattern [5] - 657:24, 658:1, 698:5, 698:11, 853:22</p> <p>patterns [7] - 602:15, 609:24, 698:13, 720:24, 721:4, 721:6, 730:6</p> <p>Patterson [1] - 493:16</p> <p>Patty [2] - 457:17, 463:16</p> <p>Paul [2] - 92:6, 847:1</p> <p>pause [1] - 664:16</p> <p>paved [1] - 743:21</p> <p>pay [24] - 25:19, 36:7, 63:2, 88:12, 88:14, 94:4, 182:22, 253:16, 262:17, 273:3, 281:14, 568:23, 570:8, 573:20, 574:1, 574:3, 711:16, 821:2, 865:2, 865:13, 865:14, 865:24, 870:10, 883:14</p> <p>payback [1] - 17:12</p> <p>payer [2] - 471:1, 590:3</p> <p>payers [1] - 496:6</p> <p>paying [10] - 15:8, 64:9, 255:1, 273:14, 377:2, 450:14, 712:13, 822:18, 822:20, 870:14</p> <p>payment [8] - 275:8, 275:9, 587:22, 587:23, 588:6, 588:11,</p>
--	--	---	--	--	--	---

<p>589:16, 589:19</p> <p>payments [3] - 253:25, 410:1, 839:16</p> <p>payors [1] - 450:10</p> <p>PBR [1] - 285:16</p> <p>pdf [1] - 521:2</p> <p>peace [5] - 24:1, 46:21, 106:13, 475:14, 492:22</p> <p>peaceful [1] - 555:24</p> <p>peak [16] - 29:2, 29:6, 29:23, 84:21, 108:25, 311:7, 315:6, 501:10, 563:12, 717:25, 853:12, 885:5, 885:9, 885:12, 886:2, 886:15</p> <p>Peak [8] - 124:23, 124:24, 602:17, 607:3, 775:8, 885:11, 885:12</p> <p>peak-filled [1] - 717:25</p> <p>peaker [1] - 339:2</p> <p>peakers [5] - 337:13, 338:19, 338:20, 339:13, 339:14</p> <p>Peakers [1] - 338:21</p> <p>peaks [19] - 36:20, 45:3, 74:24, 80:21, 106:22, 123:9, 428:17, 428:23, 446:14, 495:1, 497:18, 497:23, 500:21, 525:4, 569:2, 741:4, 775:17, 775:18, 779:22</p>	<p>pedal [1] - 23:10</p> <p>Peekskill [2] - 91:21, 91:23</p> <p>peer [2] - 663:22, 785:21</p> <p>Pelletier [19] - 228:11, 228:13, 284:22, 284:23, 313:10, 313:11, 313:19, 392:11, 396:25, 713:14, 728:25, 730:7, 732:22, 734:3, 742:18, 743:9, 781:5, 781:23, 782:4</p> <p>PELLETIER [8] - 228:12, 237:7, 238:9, 238:18, 238:20, 239:16, 241:7, 284:24</p> <p>Pelletier's [4] - 311:16, 719:2, 780:18, 782:9</p> <p>pen [1] - 60:8</p> <p>penalty [1] - 105:17</p> <p>pending [1] - 872:1</p> <p>Peninsula [1] - 58:24</p> <p>peninsula [1] - 826:23</p> <p>PENNOYER [2] - 64:20, 65:4</p> <p>Pennoyer [2] - 61:21, 64:20</p> <p>Pennsylvania [8] - 46:1, 77:25, 469:11, 490:2, 515:24, 529:16, 538:20, 586:7</p> <p>Penobscot [8] - 33:14, 33:15, 33:20, 52:19, 63:5, 552:14, 586:6, 586:20</p>	<p>PENs [1] - 840:6</p> <p>pens [3] - 31:11, 539:24, 840:10</p> <p>People [23] - 15:24, 99:16, 132:18, 225:22, 226:2, 246:10, 249:7, 251:13, 254:12, 266:1, 284:13, 323:17, 354:13, 471:16, 497:9, 536:1, 544:10, 551:8, 597:9, 717:15, 736:24, 822:14, 859:23</p> <p>people [334] - 4:13, 5:3, 19:5, 19:19, 20:12, 21:2, 21:7, 26:6, 32:5, 32:8, 33:20, 34:20, 35:12, 35:18, 40:5, 40:21, 41:25, 42:17, 43:21, 43:22, 44:1, 45:21, 48:20, 49:5, 50:2, 50:24, 59:12, 67:2, 67:14, 68:15, 69:20, 73:4, 74:10, 76:25, 78:9, 78:22, 79:17, 79:25, 82:3, 82:7, 82:19, 88:9, 88:18, 88:22, 89:4, 89:7, 90:10, 90:12, 90:14, 90:17, 90:18, 91:10, 93:15, 94:15, 96:21, 96:22, 97:7, 98:8, 98:10, 99:11, 106:8, 110:1, 114:20, 115:9, 115:10, 115:23, 116:12, 116:18, 117:16, 118:5, 118:10,</p>	<p>118:12, 118:17, 119:16, 120:6, 124:4, 128:25, 129:1, 132:15, 134:10, 135:5, 135:17, 135:18, 135:20, 135:21, 140:13, 151:19, 163:11, 171:10, 175:19, 180:15, 186:14, 206:21, 221:1, 224:5, 225:19, 228:15, 238:13, 249:4, 249:6, 249:9, 249:10, 251:3, 252:10, 252:12, 253:22, 255:15, 255:21, 255:23, 256:13, 256:23, 257:4, 257:9, 262:1, 265:19, 266:12, 266:18, 266:20, 266:23, 271:6, 271:8, 272:12, 272:16, 273:3, 273:12, 273:14, 273:25, 274:3, 274:4, 275:16, 275:20, 276:17, 277:4, 283:2, 286:18, 295:11, 310:12, 317:3, 317:11, 322:22, 323:3, 323:5, 323:13, 323:22, 324:17, 354:11, 375:8, 377:5, 377:12, 377:14, 378:5, 378:9, 379:15, 379:17, 382:23, 384:19, 385:6, 392:3, 400:11,</p>	<p>413:16, 415:24, 417:12, 428:5, 430:20, 441:1, 441:2, 441:6, 445:2, 445:14, 447:13, 447:23, 448:6, 448:9, 448:16, 451:16, 451:17, 454:23, 458:2, 458:9, 458:19, 458:21, 458:25, 463:15, 471:18, 472:18, 473:3, 475:9, 475:19, 479:5, 481:4, 491:1, 499:10, 503:23, 504:22, 507:25, 509:8, 512:13, 514:3, 514:14, 515:5, 515:14, 516:14, 517:7, 517:15, 517:17, 517:19, 517:20, 518:21, 522:8, 525:5, 526:23, 526:24, 531:4, 532:22, 535:5, 539:5, 539:6, 539:11, 539:23, 541:12, 545:16, 548:13, 548:15, 548:16, 548:18, 549:3, 550:10, 550:24, 550:25, 551:12, 554:9, 554:16, 554:17, 554:20, 555:10, 556:5, 557:19, 558:12, 558:25, 559:2, 559:7, 561:21, 564:20, 564:21, 569:23, 572:24, 573:1,</p>	<p>573:4, 573:5, 573:7, 581:10, 581:24, 585:1, 585:3, 588:3, 594:10, 595:2, 596:2, 597:8, 597:17, 598:10, 598:12, 599:9, 599:22, 610:24, 611:9, 612:16, 612:17, 613:6, 616:25, 622:3, 629:9, 629:24, 635:3, 637:13, 640:22, 663:13, 664:4, 665:11, 665:19, 666:16, 667:13, 677:21, 679:8, 679:12, 679:14, 691:19, 695:23, 695:25, 696:7, 708:9, 720:21, 727:5, 755:17, 763:20, 775:8, 777:13, 777:18, 783:23, 787:11, 793:24, 798:7, 807:14, 815:1, 817:2, 831:7, 832:22, 833:5, 834:22, 834:24, 836:9, 838:5, 847:23, 855:24, 857:13, 858:12, 858:21, 859:24, 861:17, 865:12, 865:14, 865:24, 875:17, 876:15, 891:14</p> <p>people's [4] - 97:12, 347:10, 458:5, 695:15</p> <p>peppered [1] - 312:18</p> <p>per [56] - 134:11,</p>	<p>152:23, 153:15, 181:21, 182:2, 182:22, 194:12, 194:14, 280:20, 309:2, 319:8, 327:20, 335:24, 336:13, 337:1, 338:14, 361:16, 380:4, 380:7, 403:15, 412:5, 412:7, 412:17, 412:22, 434:19, 436:13, 437:7, 491:9, 564:11, 564:18, 564:22, 588:15, 588:16, 589:20, 589:21, 633:15, 634:11, 683:1, 726:14, 726:17, 767:17, 791:14, 791:22, 822:3, 825:14, 839:25, 846:2, 846:12, 846:14, 858:16</p> <p>perceive [4] - 95:12, 212:5, 461:22, 679:15</p> <p>perceived [7] - 92:8, 446:3, 602:15, 608:14, 640:9, 640:17, 866:21</p> <p>percent [178] - 12:24, 14:23, 44:4, 44:5, 59:18, 59:24, 79:1, 82:11, 100:24, 101:4, 107:20, 108:13, 108:17, 117:20, 123:4, 123:5, 141:14, 153:3, 164:9, 180:20, 187:23, 193:9,</p>
---	---	---	---	--	--	--

193:14, 193:25, 197:21, 200:11, 200:14, 200:24, 201:10, 212:9, 212:11, 212:19, 212:21, 212:22, 213:2, 220:14, 220:22, 226:25, 227:4, 227:20, 227:21, 227:22, 230:22, 230:23, 231:5, 231:7, 231:10, 231:11, 232:14, 244:6, 244:7, 244:11, 244:12, 246:6, 246:9, 246:10, 246:12, 248:18, 249:21, 251:11, 251:13, 252:3, 256:9, 256:18, 260:23, 262:15, 262:20, 263:24, 264:23, 264:24, 268:21, 269:2, 272:22, 322:22, 323:6, 323:13, 323:14, 323:22, 324:20, 324:21, 337:22, 337:24, 370:6, 380:7, 388:17, 388:18, 411:3, 411:7, 413:20, 425:12, 430:12, 432:25, 450:25, 451:4, 454:23, 456:2, 466:13, 472:23, 472:24, 481:20, 548:24, 548:25,	557:20, 563:16, 563:18, 567:13, 571:9, 576:14, 577:19, 589:14, 589:17, 597:4, 611:5, 617:3, 618:20, 635:12, 635:16, 636:3, 636:9, 636:13, 636:15, 700:5, 718:22, 718:23, 719:8, 734:18, 734:19, 743:20, 744:22, 787:5, 794:1, 813:9, 818:21, 819:22, 821:5, 823:21, 827:1, 832:22, 833:6, 833:7, 833:13, 842:22, 849:16, 849:25, 851:19, 852:5, 852:13, 852:14, 853:20, 862:3, 864:6, 864:8, 864:9, 865:7, 869:10, 869:11, 872:18, 879:8, 879:10, 881:4, 885:4, 885:8, 886:3, 886:14, 886:16, 887:15, 887:17 percentage [20] - 27:7, 28:20, 212:5, 244:2, 244:4, 244:15, 268:13, 304:16, 306:1, 323:3, 323:6, 411:6, 411:10, 614:10, 693:16, 818:25, 833:4, 833:9, 870:19, 873:1 percentage-wise [1] - 268:13	percentages [4] - 423:6, 597:6, 597:14, 614:14 perception [3] - 656:10, 697:6, 832:5 perceptions [1] - 683:13 perch [1] - 790:23 perched [3] - 30:20, 108:7, 203:6 perfect [7] - 78:12, 78:13, 79:5, 79:8, 214:16, 472:19, 551:4 perfectly [4] - 184:3, 305:8, 512:2, 792:19 perform [3] - 733:6, 733:8, 775:9 performanc e [6] - 450:5, 450:7, 451:3, 849:17, 862:15 performed [3] - 173:10, 305:12, 398:24 performing [2] - 19:21, 850:3 performs [1] - 378:11 perhaps [36] - 12:9, 20:15, 20:16, 20:17, 37:20, 61:17, 75:24, 77:18, 144:20, 146:22, 191:16, 206:22, 238:21, 239:2, 282:10, 337:19, 395:6, 430:8, 435:8, 473:9, 482:4, 486:16, 497:24, 509:12, 571:19, 586:3, 620:20, 630:5, 650:7, 666:17, 677:14,	818:23, 875:23, 878:1, 884:20 Perhaps [5] - 22:21, 80:12, 731:10, 829:6, 885:2 peril [1] - 230:8 period [21] - 8:8, 13:25, 40:12, 160:18, 179:7, 184:13, 206:18, 207:1, 287:18, 335:11, 378:19, 378:22, 466:9, 608:5, 618:20, 644:15, 686:20, 695:6, 699:4, 702:17, 769:23 periodic [3] - 169:10, 248:23, 376:17 Periodically [1] - 59:14 periodically [1] - 7:15 periods [3] - 853:12, 853:14, 887:22 peripheral [1] - 606:17 periphery [2] - 703:5, 703:6 Perkins [1] - 283:22 PERLEY [1] - 88:6 Perley [2] - 84:2, 88:6 permanent [19] - 236:4, 253:13, 253:17, 377:5, 378:22, 400:3, 427:19, 438:17, 479:1, 554:8, 554:22, 604:21, 685:22, 732:9, 763:22, 764:4, 824:7, 848:6, 889:24 permanentl y [6] - 26:13,	230:23, 231:7, 231:10, 724:3, 734:22 permeable [1] - 772:17 permission [2] - 24:18, 370:17 permit [23] - 60:5, 75:21, 158:10, 158:25, 190:11, 285:15, 309:4, 333:10, 350:9, 408:23, 504:3, 517:7, 534:10, 534:12, 650:6, 728:4, 738:1, 754:5, 755:10, 755:20, 763:15, 807:23 permits [9] - 108:13, 350:11, 353:20, 485:21, 708:21, 709:8, 763:14 permitted [12] - 184:4, 278:13, 338:12, 350:16, 352:11, 353:1, 419:20, 421:1, 591:19, 723:23, 746:3, 763:8 permitting [17] - 9:21, 165:11, 195:5, 307:22, 309:12, 347:5, 399:19, 408:20, 420:7, 420:23, 583:17, 583:18, 583:20, 583:24, 584:1, 584:12, 870:2 perpetuated [2] - 599:23, 600:9 perplexed [1] - 189:12 Perry [1] - 36:19	perseveranc e [1] - 52:21 persist [2] - 233:25, 234:1 persisting [1] - 241:18 persists [1] - 610:4 person [33] - 73:24, 92:15, 131:8, 135:10, 182:3, 270:25, 271:12, 274:10, 274:11, 280:17, 284:8, 286:18, 315:13, 363:18, 364:17, 364:18, 376:22, 377:8, 382:24, 387:20, 412:7, 451:7, 475:17, 475:24, 558:11, 572:14, 573:2, 573:5, 715:15, 778:13, 778:18, 814:17, 889:2 personable [1] - 364:9 personal [25] - 19:17, 52:5, 81:4, 93:9, 120:18, 120:19, 121:2, 121:7, 135:11, 135:14, 278:9, 322:24, 446:21, 455:14, 472:8, 475:23, 501:21, 515:9, 532:12, 534:21, 543:4, 634:18, 735:25, 798:7 Personally [5] - 120:23, 135:10, 446:7, 462:13, 527:23 personally [24] - 18:6, 54:18, 95:14, 95:23, 121:24, 150:9, 217:14,	266:22, 270:10, 311:13, 312:8, 312:9, 317:6, 330:8, 413:16, 415:9, 523:23, 543:16, 636:8, 639:12, 700:14, 702:5, 784:24, 785:8 personnel [3] - 179:4, 186:11, 377:10 persons [3] - 52:2, 369:4, 475:6 perspective [22] - 78:11, 134:8, 136:4, 248:21, 251:22, 342:22, 359:2, 359:4, 359:5, 359:15, 489:6, 496:18, 540:24, 576:20, 577:13, 580:7, 652:14, 685:8, 736:8, 736:19, 785:8, 806:5 perspective s [1] - 134:4 persuade [1] - 584:17 pertaining [2] - 259:15, 728:18 pertains [3] - 150:10, 162:4, 732:19 pertinent [1] - 400:12 Peru [2] - 69:3, 122:2 pessimistic [1] - 256:1 pests [2] - 542:10, 782:22 Pete [5] - 356:22, 583:11, 584:17, 590:15, 591:15 Peter [21] - 11:10, 96:12, 97:19, 174:9,
--	--	--	---	--	--	---

<p>174:16, 344:14, 344:20, 419:9, 426:16, 463:14, 464:25, 465:1, 466:22, 555:3, 555:4, 555:5, 569:11, 570:10, 574:10, 805:10, 842:8</p> <p>petition [28] - 6:8, 7:24, 8:3, 8:4, 8:8, 8:15, 8:23, 51:18, 106:20, 130:9, 130:17, 149:18, 158:2, 160:2, 160:8, 160:9, 160:12, 160:13, 160:16, 161:4, 161:12, 442:9, 442:12, 449:12, 463:10, 529:9, 593:5, 847:9</p> <p>Petition [2] - 2:9, 160:18</p> <p>petitions [2] - 15:21, 169:21</p> <p>petroleum [2] - 466:14, 598:25</p> <p>pH [3] - 216:21, 719:16, 719:19</p> <p>Ph.D [1] - 374:5</p> <p>phenomena l [1] - 66:4</p> <p>phenomeno n [1] - 800:24</p> <p>Phil [1] - 181:5</p> <p>Philadelphi a [2] - 538:16, 538:18</p> <p>Phillips [5] - 97:22, 457:20, 484:15, 525:16, 525:21</p> <p>philosopher s [1] - 493:21</p> <p>philosophic al [1] - 808:19</p> <p>philosophic</p>	<p>ally [2] - 105:7, 134:6</p> <p>philosophy [1] - 105:10</p> <p>Phippsburg [1] - 500:4</p> <p>phone [4] - 446:6, 548:2, 665:17, 798:22</p> <p>phones [1] - 30:1</p> <p>photo [17] - 10:17, 221:8, 224:13, 231:20, 250:4, 288:12, 316:11, 327:5, 346:16, 346:21, 346:23, 502:8, 576:1, 582:8, 582:10, 609:8, 781:7</p> <p>Photograph [1] - 289:15</p> <p>photograph [11] - 11:24, 206:14, 224:16, 328:15, 347:7, 607:24, 662:24, 663:2, 664:5, 664:7, 702:7</p> <p>photograph er [1] - 678:3</p> <p>photographi c [1] - 736:1</p> <p>photograph s [13] - 30:6, 288:11, 327:22, 328:21, 346:25, 602:7, 632:12, 632:15, 677:20, 678:6, 687:4, 700:2, 794:7</p> <p>photograph y [2] - 311:25, 312:22</p> <p>photos [4] - 138:14, 320:25, 454:16, 638:7</p> <p>Photoshop [1] - 609:8</p> <p>Photoshopp</p>	<p>ed [1] - 576:4</p> <p>phrase [3] - 511:3, 511:5, 524:22</p> <p>physical [8] - 52:14, 276:3, 300:24, 447:11, 488:15, 689:8, 722:10, 886:21</p> <p>physically [2] - 275:23, 275:25</p> <p>Physically [1] - 440:4</p> <p>physician [3] - 62:1, 64:25, 152:7</p> <p>physicians [1] - 114:10</p> <p>physics [2] - 119:21, 620:21</p> <p>physometra s [1] - 721:7</p> <p>pick [9] - 29:13, 212:16, 303:15, 311:23, 312:5, 335:22, 394:12, 426:10, 872:25</p> <p>picked [4] - 303:19, 538:8, 662:17, 756:16</p> <p>Picone [2] - 444:7, 452:1</p> <p>PICONE [1] - 452:1</p> <p>picture [23] - 5:15, 10:12, 70:12, 111:6, 141:18, 290:12, 299:12, 322:19, 337:9, 481:8, 514:6, 514:7, 533:21, 661:11, 665:18, 690:5, 690:6, 710:17, 713:10, 736:7, 743:23, 769:20, 790:11</p> <p>pictures [12] - 30:2, 53:20,</p>	<p>254:19, 502:7, 502:22, 527:1, 661:11, 688:20, 689:18, 715:22, 795:10, 795:12</p> <p>Pidot [6] - 156:14, 248:17, 370:22, 414:6, 592:24, 597:15</p> <p>PIDOT [25] - 187:1, 188:4, 188:18, 189:3, 190:9, 191:1, 245:23, 318:14, 318:17, 335:7, 364:3, 364:6, 365:8, 372:5, 374:7, 374:9, 509:23, 510:3, 512:4, 615:11, 783:7, 783:11, 783:15, 783:18, 783:21</p> <p>Pidot's [2] - 597:1, 892:20</p> <p>pie [1] - 855:21</p> <p>piece [21] - 117:9, 117:10, 133:9, 165:7, 331:16, 364:21, 395:14, 461:23, 521:23, 527:20, 587:10, 696:2, 696:3, 697:21, 697:23, 797:20, 803:15, 835:6, 842:19, 855:20, 883:5</p> <p>pieces [5] - 276:3, 439:25, 648:20, 766:15, 797:13</p> <p>Pierce [1] - 134:22</p> <p>piles [1] - 795:12</p> <p>pill [1] -</p>	<p>256:8</p> <p>pilot [7] - 27:19, 124:20, 409:3, 421:16, 452:3, 801:23</p> <p>Pin [1] - 117:8</p> <p>pin [1] - 118:24</p> <p>pinched [1] - 742:20</p> <p>pine [2] - 782:24, 783:6</p> <p>Pingree [2] - 504:21, 530:24</p> <p>pink [1] - 621:24</p> <p>Pinkham [1] - 752:13</p> <p>pipe [3] - 87:4, 199:5, 199:10</p> <p>piped [1] - 199:4</p> <p>pipeline [1] - 165:6</p> <p>pit [1] - 759:22</p> <p>pits [2] - 772:4, 772:6</p> <p>Pittsfield [1] - 33:21</p> <p>pixels [2] - 606:11, 660:25</p> <p>Place [1] - 521:23</p> <p>place [113] - 13:8, 18:23, 35:12, 35:16, 37:3, 37:25, 46:14, 46:19, 47:12, 86:22, 91:4, 96:2, 99:5, 103:21, 104:5, 112:1, 113:24, 115:22, 118:1, 125:7, 125:20, 132:21, 136:3, 137:1, 140:14, 140:15, 165:25, 181:20, 206:18, 213:14, 218:4, 218:10, 218:15, 225:2, 233:16,</p>	<p>238:25, 241:1, 241:2, 249:13, 249:18, 258:12, 258:16, 303:24, 304:10, 310:10, 314:24, 324:18, 342:14, 370:9, 408:13, 409:22, 433:1, 445:12, 445:25, 446:1, 446:2, 446:15, 446:25, 447:2, 447:16, 451:9, 454:5, 454:18, 455:19, 458:22, 463:20, 464:18, 466:5, 467:21, 468:8, 473:1, 475:15, 484:23, 486:15, 488:21, 489:22, 492:7, 493:9, 493:12, 498:24, 499:2, 522:16, 523:6, 538:6, 538:8, 538:12, 540:9, 551:4, 552:20, 552:24, 553:1, 554:21, 569:22, 573:13, 576:10, 597:10, 605:5, 628:13, 641:25, 665:11, 678:19, 688:25, 726:20, 729:10, 737:1, 739:7, 794:7, 794:13, 810:24, 828:14, 847:13, 852:18</p> <p>placed [17] - 37:20, 112:8, 203:24, 300:8, 302:14, 302:15, 302:24, 303:6, 305:19, 339:9,</p>	<p>477:21, 486:11, 524:14, 629:6, 641:8, 641:9, 648:13</p> <p>placement [5] - 148:24, 247:7, 454:4, 498:16, 545:1</p> <p>placements [1] - 300:21</p> <p>places [86] - 13:13, 15:1, 35:13, 51:3, 60:20, 78:17, 89:5, 113:4, 114:1, 140:4, 220:22, 221:20, 227:14, 227:16, 229:20, 247:6, 250:14, 251:15, 251:24, 264:20, 269:19, 286:14, 289:25, 297:24, 327:23, 329:6, 329:8, 341:12, 348:15, 356:17, 375:7, 375:8, 397:13, 410:6, 418:16, 421:11, 427:11, 446:12, 449:3, 455:11, 456:15, 457:6, 464:2, 484:23, 490:12, 497:4, 505:15, 511:8, 522:10, 522:16, 532:22, 552:11, 552:16, 563:23, 597:9, 598:10, 598:12, 599:2, 599:5, 599:14, 599:16, 610:24, 619:3, 629:4, 673:22, 690:18, 690:25, 691:10, 694:9, 698:9, 702:16, 718:14,</p>
--	---	---	---	--	---	---

<p>729:25, 745:22, 747:25, 748:1, 748:14, 748:16, 748:24, 754:24, 775:13, 802:24, 831:10, 854:17, 856:10, 893:22</p> <p>placing [6] - 399:5, 427:19, 453:24, 501:13, 522:5, 726:19</p> <p>plague [1] - 488:25</p> <p>plagued [1] - 486:1</p> <p>plain [2] - 38:2, 193:21</p> <p>plainer [1] - 250:8</p> <p>plains [2] - 210:14, 525:7</p> <p>Plains [1] - 47:13</p> <p>plan [67] - 6:14, 6:15, 6:18, 22:15, 26:13, 33:17, 57:5, 92:24, 130:19, 153:2, 158:9, 158:10, 169:2, 169:10, 173:6, 173:11, 184:2, 204:13, 207:9, 211:21, 214:22, 229:3, 236:9, 268:24, 284:6, 293:16, 307:21, 336:8, 359:10, 359:13, 385:22, 386:10, 390:13, 409:9, 442:18, 470:4, 485:7, 486:6, 494:15, 494:18, 510:20, 579:9, 594:17, 599:11, 599:17, 627:7, 645:9, 645:10, 655:14,</p>	<p>740:12, 740:13, 746:8, 749:12, 749:14, 750:14, 750:25, 762:17, 764:11, 764:15, 764:23, 765:14, 770:7, 778:14, 778:18, 779:11, 852:25, 873:19</p> <p>Plan [8] - 320:21, 685:17, 740:4, 745:24, 747:3, 749:4, 750:12, 775:13</p> <p>Plan's [1] - 827:21</p> <p>planet [16] - 55:7, 56:25, 68:11, 69:7, 69:15, 69:21, 74:21, 82:24, 114:2, 121:6, 121:7, 144:6, 480:11, 568:20, 598:22, 825:16</p> <p>planetary [1] - 68:12</p> <p>planets [1] - 99:24</p> <p>planned [36] - 2:12, 2:14, 2:18, 7:3, 7:6, 7:9, 47:18, 72:25, 155:15, 158:6, 158:12, 158:16, 159:4, 159:11, 159:14, 159:17, 174:2, 176:19, 442:19, 442:23, 443:2, 443:9, 443:12, 443:14, 449:18, 474:15, 474:25, 494:9, 520:16, 520:23, 539:11,</p>	<p>594:17, 594:18, 759:5, 770:1, 816:17</p> <p>planning [23] - 60:12, 107:12, 121:17, 157:16, 178:13, 220:17, 283:3, 378:20, 409:8, 431:8, 465:20, 491:20, 552:6, 644:5, 681:7, 753:5, 783:8, 796:25, 797:2, 829:2, 842:7, 847:3, 891:12</p> <p>Plans [1] - 819:5</p> <p>plans [21] - 13:2, 14:6, 15:18, 26:3, 183:13, 291:17, 308:14, 311:14, 313:5, 564:1, 564:4, 645:2, 645:13, 725:10, 725:14, 726:8, 764:13, 764:21, 765:10, 765:25</p> <p>plant [101] - 22:19, 22:21, 47:16, 48:13, 92:2, 93:11, 109:13, 120:4, 120:9, 120:13, 123:23, 148:8, 151:5, 152:24, 152:25, 179:1, 206:21, 211:12, 222:11, 230:6, 264:22, 265:1, 265:4, 265:5, 265:6, 265:7, 265:10, 272:14, 277:15, 278:19, 278:20, 279:16, 279:24, 280:19, 336:18, 336:20, 336:22, 337:2,</p>	<p>337:3, 340:2, 340:3, 340:9, 342:3, 342:23, 342:24, 343:6, 343:7, 343:19, 379:15, 379:17, 379:22, 380:3, 381:1, 381:2, 381:17, 404:18, 415:5, 423:14, 423:18, 424:11, 424:12, 424:15, 450:21, 479:14, 479:18, 479:19, 479:24, 489:7, 490:1, 505:5, 538:21, 544:5, 564:4, 570:9, 581:9, 587:12, 637:4, 648:18, 648:19, 655:17, 669:3, 669:4, 678:25, 679:9, 804:4, 827:15, 841:23, 841:25, 847:21, 853:23, 855:9, 855:10, 856:1, 858:6, 875:11, 876:17, 880:17, 880:18</p> <p>Plant [2] - 339:19, 568:4</p> <p>Plantation [10] - 110:6, 110:12, 147:21, 377:7, 464:13, 467:5, 516:18, 533:24, 534:22, 546:5</p> <p>planted [1] - 206:12</p> <p>planting [2] - 57:14, 691:22</p> <p>plants [87] - 23:9, 25:25, 26:4, 26:5, 29:12, 47:23, 48:9, 58:12, 64:11, 74:13,</p>	<p>85:7, 90:7, 93:11, 101:13, 135:7, 152:15, 152:17, 152:21, 153:10, 153:11, 153:13, 178:5, 178:10, 182:5, 249:15, 252:16, 258:21, 261:22, 276:22, 278:13, 278:14, 279:14, 339:18, 339:19, 342:3, 342:8, 343:2, 343:3, 373:20, 376:15, 379:19, 381:19, 401:23, 402:17, 402:21, 403:4, 403:24, 411:13, 450:13, 476:21, 479:4, 479:12, 490:1, 490:4, 520:1, 520:16, 520:17, 553:14, 564:1, 564:3, 564:14, 566:1, 581:6, 588:22, 632:4, 655:12, 679:6, 679:10, 724:24, 726:2, 793:21, 800:12, 826:13, 828:23, 840:19, 841:21, 841:24, 843:1, 843:23, 850:1, 859:11, 873:11, 873:15, 873:22</p> <p>Plate [1] - 497:24</p> <p>plate [1] - 543:17</p> <p>Plateau [1] - 69:8</p> <p>platform [1] -</p>	<p>189:24</p> <p>Platt [4] - 837:15, 837:20, 841:4, 845:24</p> <p>play [6] - 106:10, 542:1, 598:19, 657:2, 837:24</p> <p>played [1] - 696:16</p> <p>players [1] - 438:10</p> <p>playing [2] - 182:25, 838:1</p> <p>plays [1] - 171:14</p> <p>pleading [1] - 452:6</p> <p>Pleasant [2] - 70:19, 477:16</p> <p>pleased [4] - 169:22, 441:11, 716:20, 731:13</p> <p>pleasing [2] - 92:19, 527:6</p> <p>pleasure [2] - 513:8, 595:21</p> <p>pledge [1] - 460:1</p> <p>plentiful [2] - 266:3, 744:13</p> <p>plenty [2] - 262:8, 598:9</p> <p>plotted [1] - 708:14</p> <p>Plouffe [22] - 283:4, 283:16, 283:19, 283:20, 335:7, 363:14, 411:19, 417:1, 631:16, 634:20, 635:1, 644:5, 675:4, 675:8, 680:5, 705:2, 707:11, 723:1, 751:4, 754:6, 841:2, 875:2</p> <p>PLOUFFE [44] - 283:20, 307:11, 307:13, 315:24, 316:6, 318:10, 318:12, 318:15,</p>	<p>318:18, 321:7, 321:8, 322:7, 322:8, 329:16, 329:20, 329:23, 334:4, 334:13, 334:22, 335:5, 335:13, 417:4, 418:23, 419:7, 487:6, 644:7, 644:10, 646:5, 646:8, 646:22, 647:1, 647:5, 671:1, 675:7, 679:23, 680:6, 680:14, 707:17, 726:25, 727:6, 751:5, 807:16, 875:8, 878:8</p> <p>Plouffe's [1] - 646:24</p> <p>plow [1] - 126:8</p> <p>pluck [1] - 83:9</p> <p>plug [2] - 466:17, 531:15</p> <p>plug-in [1] - 466:17</p> <p>Plum [2] - 813:7, 813:9</p> <p>plummet [1] - 733:9</p> <p>plural [1] - 779:20</p> <p>pluralistic [1] - 92:16</p> <p>Plus [1] - 846:8</p> <p>plus [8] - 35:9, 216:13, 260:5, 309:15, 672:7, 691:11, 719:24, 754:25</p> <p>PMA [8] - 477:21, 495:8, 579:2, 579:5, 579:6, 579:9, 746:4, 746:9</p> <p>PO'd [1] - 90:25</p> <p>pockets [3] - 32:8, 215:6, 289:23</p> <p>poets [2] - 463:5, 463:6</p> <p>Point [2] -</p>
---	---	--	--	---	---	---

<p>69:11, 92:1 point ^[146] - 4:20, 7:24, 8:13, 24:22, 25:15, 26:11, 29:16, 30:18, 31:2, 46:2, 50:21, 69:25, 76:13, 79:13, 80:22, 81:5, 81:10, 81:13, 97:1, 103:8, 103:21, 116:23, 117:13, 119:23, 124:11, 129:2, 136:22, 144:25, 148:17, 153:4, 166:20, 168:5, 169:24, 179:25, 187:7, 190:10, 194:20, 209:9, 209:16, 224:7, 234:19, 241:17, 250:22, 267:6, 268:4, 282:8, 286:13, 289:22, 290:11, 290:15, 290:17, 290:24, 294:3, 295:8, 297:8, 299:7, 299:9, 299:12, 300:14, 301:20, 301:21, 302:2, 302:3, 304:1, 307:9, 320:17, 323:12, 323:24, 326:10, 341:25, 342:2, 342:10, 343:15, 344:8, 345:15, 355:16, 382:22, 382:25, 385:14, 386:20, 387:5, 392:24, 393:8, 397:2, 397:4, 399:17, 403:10, 410:18, 415:3,</p>	<p>429:18, 436:4, 436:5, 452:16, 511:6, 513:24, 523:20, 575:5, 577:18, 587:15, 595:3, 604:25, 608:24, 610:19, 616:17, 630:10, 646:23, 654:8, 674:8, 674:10, 676:4, 678:3, 678:10, 695:2, 697:9, 698:2, 703:17, 706:7, 706:25, 707:7, 708:1, 713:23, 724:1, 728:19, 728:21, 729:2, 749:11, 750:12, 751:8, 754:18, 761:3, 802:7, 815:8, 825:12, 830:19, 840:1, 849:12, 850:22, 863:7, 877:7, 878:4, 878:5, 878:21, 880:24, 891:23 pointed ^[10] - 31:20, 194:5, 354:25, 409:22, 574:11, 597:15, 604:17, 620:20, 823:20, 838:13 pointing ^[2] - 612:13, 642:16 points ^[21] - 70:4, 74:8, 147:14, 197:18, 233:17, 257:20, 312:13, 335:10, 418:1, 433:18, 460:21, 488:11, 488:12, 603:17, 625:10, 625:13, 704:8,</p>	<p>736:5, 746:23, 760:25, 818:10 poised ^[1] - 822:5 poison ^[1] - 469:11 poisoning ^[1] - 64:12 poked ^[1] - 759:17 Poland ^[2] - 202:16, 477:6 polar ^[1] - 68:20 pole ^[1] - 712:10 poles ^[4] - 40:15, 40:17, 148:24, 796:8 police ^[1] - 29:25 policies ^[20] - 168:12, 168:14, 168:15, 168:16, 201:19, 431:25, 539:20, 600:8, 623:24, 740:11, 740:14, 745:19, 753:3, 796:5, 796:13, 817:25, 818:15, 818:18, 819:7, 819:8 Policy ^[1] - 819:19 policy ^[39] - 100:24, 101:4, 134:6, 134:14, 166:6, 168:18, 168:19, 186:14, 405:22, 472:19, 472:20, 490:15, 490:17, 490:20, 490:22, 514:12, 522:24, 529:15, 530:11, 575:7, 626:3, 740:16, 740:21, 747:2,</p>	<p>749:8, 796:16, 804:11, 818:1, 818:24, 819:18, 819:23, 828:13, 830:1, 830:2, 830:3, 842:21, 843:4, 843:5 political ^[9] - 54:8, 56:15, 77:2, 469:2, 522:8, 561:4, 611:9, 866:8, 866:10 politician ^[3] - 93:22, 93:23, 534:14 politicians ^[2] - 96:8, 865:17 politics ^[1] - 450:19 poll ^[4] - 169:13, 169:14, 413:15, 413:17 polled ^[1] - 481:4 polls ^[1] - 15:21 pollutant ^[3] - 871:19, 871:24, 872:3 pollutants ^[8] - 64:5, 120:15, 188:8, 336:14, 336:15, 403:21, 405:3, 858:10 pollute ^[2] - 64:11, 111:20 polluted ^[1] - 410:4 polluting ^[3] - 39:24, 48:9, 255:18 pollution ^[40] - 12:10, 12:11, 17:20, 26:16, 27:1, 41:21, 41:24, 42:10, 42:13, 43:23, 44:2, 44:7, 58:8, 92:3, 97:15, 110:20, 153:12, 164:10, 164:12,</p>	<p>170:17, 173:22, 261:3, 265:7, 265:8, 266:2, 276:10, 278:1, 336:8, 339:15, 372:16, 380:25, 410:8, 475:17, 528:5, 528:14, 553:12, 553:15, 581:9, 798:2, 848:10 pollution-free ^[1] - 17:20 polygon ^[3] - 230:14, 230:25, 231:22 pond ^[5] - 280:18, 703:10, 703:14, 749:15, 749:16 Pond ^[30] - 2:16, 6:8, 6:17, 6:23, 124:15, 137:24, 137:25, 150:23, 158:3, 158:14, 159:5, 427:11, 428:17, 428:21, 429:1, 429:9, 440:11, 442:13, 442:21, 443:3, 445:12, 445:21, 445:23, 446:11, 446:19, 471:17, 473:10, 477:13, 690:4, 741:20 Pool ^[1] - 404:12 pool ^[12] - 66:8, 66:20, 84:22, 289:11, 289:14, 289:17, 290:13, 402:18, 423:15, 729:15, 755:1, 819:14</p>	<p>pools ^[3] - 533:9, 716:13, 729:16 poor ^[11] - 42:24, 68:1, 164:13, 192:20, 237:17, 237:19, 526:22, 623:16, 828:13, 863:10 poorest ^[1] - 237:24 poorly ^[1] - 609:24 Poplar ^[2] - 607:16, 697:3 popping ^[1] - 587:1 pops ^[1] - 717:19 Pops ^[1] - 557:4 popular ^[4] - 92:18, 482:12, 532:22, 706:21 populated ^[2] - 149:5, 376:4 population ^[11] - 76:22, 79:2, 87:24, 97:16, 148:20, 235:11, 472:24, 532:20, 565:24, 758:5, 760:2 population-wise ^[1] - 76:22 populations ^[3] - 235:12, 760:7, 826:22 populous ^[1] - 104:6 porch ^[1] - 21:16 Porter ^[2] - 125:16, 127:9 PORTER ^[4] - 126:25, 127:2, 127:4, 127:8 portfolio ^[24] - 264:9, 272:20, 273:4, 382:13, 409:13,</p>	<p>409:24, 432:17, 432:21, 435:2, 819:1, 819:10, 857:1, 857:4, 860:20, 863:23, 864:3, 864:11, 865:20, 865:23, 872:21, 878:16, 879:3, 880:20 portfolios ^[2] - 852:4, 880:16 portion ^[31] - 19:11, 53:9, 56:11, 155:1, 158:24, 159:1, 185:17, 197:11, 260:23, 274:1, 285:13, 294:4, 294:21, 311:19, 312:4, 314:6, 375:19, 396:14, 525:24, 580:3, 597:12, 606:15, 640:7, 640:22, 649:2, 799:5, 809:12, 864:14, 865:20, 877:16, 877:18 portioned ^[1] - 864:14 portions ^[9] - 71:11, 220:21, 224:10, 226:15, 291:18, 311:20, 615:6, 710:1, 782:25 Portland ^[25] - 21:11, 32:23, 54:4, 54:6, 55:24, 58:7, 62:1, 65:4, 74:3, 75:10, 128:6, 133:20, 136:18, 142:19, 267:13, 283:21, 283:23, 416:16, 467:17, 506:9,</p>
--	---	---	--	---	--	---

<p>507:12, 543:22, 543:25, 724:10, 847:12 portray [1] - 632:22 portrayal [1] - 632:1 portrayed [2] - 511:16, 743:2 ports [1] - 223:9 posed [2] - 154:9, 495:12 posing [4] - 228:24, 241:14, 257:25, 405:12 position [41] - 8:24, 70:10, 98:23, 100:18, 101:10, 263:12, 266:16, 267:3, 303:6, 303:9, 303:24, 304:11, 320:2, 331:6, 331:13, 331:14, 369:6, 369:9, 369:10, 369:13, 369:16, 370:13, 418:6, 439:3, 552:4, 552:7, 585:4, 585:18, 609:4, 649:13, 682:12, 693:10, 717:1, 717:3, 771:3, 802:13, 808:13, 830:4, 830:5, 871:22, 872:2 positioning [1] - 498:11 positions [4] - 204:10, 489:1, 585:2, 816:13 positive [21] - 69:20, 74:23, 86:2, 89:5, 105:1, 227:24, 254:23, 269:9, 269:13, 413:25,</p>	<p>511:19, 527:10, 543:7, 576:12, 668:20, 676:1, 676:2, 701:13, 824:19, 834:3, 871:20 possess [1] - 816:21 possesses [2] - 744:24, 811:1 possessing [1] - 56:14 possibilities [2] - 437:18, 451:11 possibility [3] - 44:20, 440:8, 821:12 possible [37] - 42:14, 171:6, 175:6, 176:15, 190:9, 190:13, 192:16, 195:25, 196:18, 196:20, 197:5, 197:17, 208:20, 211:24, 212:4, 216:10, 219:1, 220:20, 225:9, 226:25, 228:7, 242:15, 317:7, 386:1, 390:15, 393:1, 397:10, 413:5, 430:17, 437:20, 445:22, 497:14, 619:6, 652:7, 659:24, 705:18, 745:16 possibly [5] - 363:9, 439:18, 590:20, 699:7, 784:1 Post [1] - 416:14 post [7] - 198:17, 198:22, 199:5, 199:17, 235:14, 236:15, 733:1 post- construction [1] - 733:1 pot [1] -</p>	<p>866:16 potential [64] - 43:3, 51:19, 51:25, 64:1, 101:12, 144:14, 202:2, 204:16, 216:24, 220:13, 224:9, 253:13, 291:12, 342:14, 372:20, 376:2, 384:23, 389:20, 400:22, 417:6, 417:23, 431:11, 432:3, 433:1, 438:12, 485:24, 493:11, 501:1, 529:3, 601:8, 602:11, 603:21, 603:25, 604:6, 604:11, 604:22, 624:14, 635:7, 637:16, 644:21, 645:2, 683:9, 719:4, 719:5, 721:15, 726:15, 735:1, 737:11, 744:4, 745:12, 745:21, 785:7, 790:20, 801:19, 803:4, 803:12, 805:7, 805:8, 812:17, 839:24, 844:25, 845:1, 862:1, 875:10 potentially [14] - 100:17, 100:21, 291:5, 347:1, 352:19, 397:11, 438:11, 522:4, 584:11, 720:16, 744:10, 745:6, 812:14, 824:2 Potomac [1] - 37:11 pound [4] - 115:12, 383:10, 564:18 pounds [18] -</p>	<p>64:4, 65:16, 65:18, 152:23, 265:13, 309:3, 379:23, 380:4, 380:7, 403:14, 404:7, 412:1, 412:5, 412:7, 412:8, 412:13, 412:17, 767:17 pour [2] - 424:5, 456:8 pouring [1] - 410:7 poverty [1] - 108:15 power [544] - 2:13, 2:15, 2:19, 17:10, 17:16, 19:23, 20:1, 22:21, 23:8, 25:10, 25:15, 25:22, 25:23, 26:2, 26:18, 33:23, 34:4, 35:19, 40:1, 40:7, 40:15, 41:1, 43:1, 43:4, 43:7, 43:18, 46:4, 47:10, 47:12, 47:13, 47:16, 49:23, 50:24, 51:1, 51:4, 51:6, 56:1, 56:18, 57:9, 63:17, 63:22, 64:7, 64:11, 69:6, 69:13, 72:1, 82:3, 84:21, 84:22, 85:11, 85:17, 85:19, 87:6, 87:12, 90:6, 90:7, 93:11, 95:1, 99:5, 101:9, 101:13, 101:16, 101:18, 101:22, 104:3, 104:10, 105:24, 106:3, 109:11, 109:12, 111:13, 112:12, 112:23, 114:21, 115:5, 115:22, 115:24,</p>	<p>115:25, 117:10, 120:4, 120:9, 120:12, 123:4, 127:6, 127:18, 127:20, 127:21, 127:24, 127:25, 128:1, 129:9, 135:21, 135:24, 135:25, 136:7, 136:17, 136:20, 136:21, 136:25, 137:1, 138:16, 140:1, 142:9, 142:11, 142:17, 147:15, 148:2, 148:6, 148:8, 148:11, 148:16, 148:18, 148:22, 148:25, 150:10, 150:12, 151:5, 152:14, 153:14, 153:16, 155:17, 164:5, 164:16, 165:3, 165:20, 167:10, 167:23, 167:24, 167:25, 168:11, 171:13, 172:2, 172:8, 172:25, 175:3, 176:9, 178:5, 178:10, 178:16, 180:12, 180:13, 180:19, 180:20, 180:22, 181:2, 181:3, 181:6, 181:7, 182:20, 183:6, 183:7, 184:24, 184:25, 185:5, 185:13, 187:5, 187:7, 187:10, 187:11, 187:18, 187:21, 188:1, 188:6, 188:7,</p>	<p>192:25, 200:6, 200:21, 203:24, 205:9, 216:25, 223:7, 227:23, 247:17, 249:15, 252:13, 252:16, 254:3, 260:7, 260:10, 260:14, 260:17, 261:1, 261:8, 261:9, 261:24, 262:2, 262:16, 265:17, 267:17, 272:5, 272:11, 272:13, 272:17, 273:4, 273:19, 273:22, 274:17, 274:19, 276:14, 277:17, 278:13, 278:14, 278:19, 278:20, 290:18, 295:7, 296:24, 297:11, 316:14, 332:18, 336:18, 336:20, 340:19, 341:1, 341:13, 343:16, 344:3, 344:4, 351:2, 357:11, 359:4, 359:11, 372:22, 382:14, 382:25, 383:4, 389:3, 398:18, 400:2, 400:22, 401:23, 402:17, 402:18, 403:4, 403:18, 403:22, 403:24, 404:8, 408:3, 408:20, 409:13, 410:1, 420:15, 423:15, 423:17, 423:18, 423:20, 424:2,</p>	<p>424:8, 424:13, 425:2, 427:23, 428:23, 429:1, 430:3, 430:11, 430:13, 430:16, 440:16, 444:23, 444:24, 445:16, 446:3, 447:5, 450:21, 452:13, 452:16, 455:19, 456:12, 456:22, 457:21, 457:24, 465:20, 465:22, 466:11, 466:19, 469:16, 472:13, 472:14, 473:22, 475:3, 475:7, 475:24, 476:6, 476:8, 476:16, 476:18, 476:21, 476:22, 477:9, 477:12, 479:18, 479:25, 480:6, 480:16, 481:19, 481:25, 486:16, 487:3, 489:2, 489:7, 490:1, 490:15, 490:16, 491:9, 492:8, 492:10, 492:11, 493:6, 493:11, 494:11, 502:6, 505:2, 505:7, 510:14, 513:19, 515:13, 515:23, 518:14, 518:17, 521:22, 522:23, 523:3, 523:9, 525:2, 527:5, 527:9, 527:10, 528:3, 530:6, 530:9, 530:13, 531:12, 533:3,</p>
--	--	---	---	---	---	---

534:19, 535:20, 539:13, 544:20, 544:21, 544:25, 546:2, 548:10, 550:10, 550:11, 550:12, 550:13, 550:14, 550:15, 550:18, 550:25, 553:14, 554:14, 554:23, 564:1, 564:2, 564:4, 564:7, 564:8, 564:14, 566:15, 568:8, 571:5, 573:19, 577:18, 577:24, 578:6, 578:17, 578:21, 580:6, 580:24, 581:9, 581:25, 582:15, 585:21, 585:24, 586:8, 586:12, 586:13, 586:16, 588:23, 590:16, 615:13, 615:18, 620:12, 632:1, 632:3, 648:4, 648:18, 649:23, 656:2, 669:4, 678:25, 690:13, 690:22, 711:1, 711:8, 711:11, 712:9, 713:9, 713:24, 717:2, 717:6, 717:9, 724:3, 731:19, 733:25, 735:2, 737:2, 737:4, 737:11, 737:12, 739:21, 739:22, 739:24, 740:1, 744:4, 745:8, 745:18, 745:21, 746:7,	767:10, 779:4, 779:12, 784:4, 784:7, 788:12, 789:11, 793:21, 795:3, 795:25, 796:4, 796:17, 805:8, 805:9, 805:16, 805:17, 805:22, 806:11, 808:12, 808:24, 809:5, 812:7, 813:8, 814:7, 814:8, 814:11, 817:17, 818:14, 818:23, 818:25, 819:9, 819:14, 819:21, 820:5, 820:8, 820:12, 820:19, 821:8, 821:9, 821:12, 821:22, 821:25, 822:8, 822:12, 822:17, 822:24, 823:5, 823:10, 828:10, 828:19, 832:11, 834:22, 836:5, 836:10, 836:19, 836:22, 837:3, 838:3, 838:6, 838:11, 838:14, 838:23, 839:16, 839:22, 839:24, 840:19, 841:19, 841:20, 841:21, 841:23, 841:24, 841:25, 848:14, 851:20, 851:21, 852:21, 852:22, 854:1, 855:9, 855:10, 855:18, 859:11, 864:5, 866:2, 873:10,	876:2, 877:11, 877:20, 878:13, 880:25, 881:3, 881:9, 881:10, 881:15, 881:16, 881:19, 882:14, 883:23, 884:1, 884:2, 884:4, 890:9, 891:10 Power [89] - 2:10, 6:7, 10:19, 24:18, 26:5, 29:17, 31:3, 31:7, 48:7, 49:7, 84:23, 85:20, 95:6, 95:20, 111:17, 142:1, 151:15, 151:17, 152:22, 155:14, 157:25, 164:19, 180:19, 255:1, 257:18, 259:17, 260:12, 261:5, 268:18, 329:24, 330:11, 330:25, 331:6, 331:11, 331:18, 332:12, 332:22, 355:10, 357:6, 358:10, 401:15, 404:12, 418:24, 439:9, 442:9, 442:12, 445:11, 486:18, 505:21, 537:3, 538:23, 583:8, 586:7, 591:3, 593:6, 644:24, 761:10, 762:2, 764:10, 764:14, 764:19, 767:7, 768:4, 787:20, 816:11, 816:25, 820:17, 820:22, 821:23, 823:2,	825:25, 829:13, 835:23, 836:2, 837:11, 837:17, 837:21, 838:21, 839:23, 846:7, 846:8, 870:10, 875:15, 875:25, 889:10, 889:18, 889:23, 890:11 Power's [5] - 10:10, 106:20, 762:2, 816:15, 890:15 power- generated [1] - 828:10 powered [6] - 29:14, 185:3, 185:5, 336:20, 466:20, 533:8 powerful [3] - 247:11, 249:17, 511:4 powering [1] - 78:1 PowerPoint [4] - 414:7, 716:17, 716:19, 780:19 Powers [7] - 109:17, 110:4, 463:14, 466:22, 467:4, 474:6, 560:1 powers [2] - 550:13, 852:5 POWERS [3] - 109:22, 113:10, 466:25 practicable [2] - 631:4, 676:12 practical [4] - 402:20, 571:7, 664:23, 818:22 practicality [1] - 515:13 practically [2] - 110:9, 111:8 practice [9] -	202:7, 346:23, 425:1, 425:4, 425:6, 647:18, 665:23, 829:25, 839:21 practices [3] - 152:7, 198:6, 250:10 practicing [1] - 62:1 praising [1] - 643:18 Pre [1] - 9:10 pre [11] - 7:13, 7:20, 9:2, 9:3, 9:5, 9:6, 9:7, 160:3, 160:5, 189:23, 733:1 pre- application [1] - 7:13 pre-filed [2] - 9:3, 9:7 Pre-filed [1] - 9:10 pre-hearing [3] - 9:2, 9:5, 9:6 pre- submission [3] - 7:20, 160:3, 160:5 preaching [1] - 452:7 preapplicati on [1] - 577:4 Preapplicati on [1] - 159:21 precedence [1] - 537:2 precedent [11] - 121:14, 121:15, 122:25, 147:2, 428:25, 476:3, 499:21, 536:17, 696:11, 696:14, 746:4 precious [12] - 37:20, 95:15, 114:25, 121:22, 121:23, 498:25, 509:2, 524:16, 529:1, 599:2, 599:4, 613:13	precipitatio n [5] - 216:12, 314:9, 405:4, 718:19, 800:3 precise [2] - 715:3, 715:7 precisely [3] - 123:7, 424:14, 612:8 preclude [1] - 737:4 preconcepti ons [1] - 710:14 preconstruc tion [1] - 323:21 predecesso r [1] - 540:8 predecesso rs [2] - 112:1, 484:21 predict [6] - 296:19, 302:6, 720:25, 732:17, 879:12, 883:9 predictabilit y [5] - 494:15, 494:16, 494:23, 494:24, 495:24 predictable [3] - 47:22, 57:16, 424:2 predicted [2] - 800:5, 801:1 prediction [1] - 371:22 predictions [1] - 721:4 predicts [1] - 880:13 predirected [1] - 802:10 predominan t [1] - 243:9 predominan tly [2] - 403:12, 684:21 preeminent [1] - 741:3 prefer [7] - 217:14, 340:9, 340:18, 340:25, 563:24, 647:4, 647:5 preferable [2]	- 420:17, 420:20 preference [4] - 179:3, 235:1, 253:21, 892:9 preferred [1] - 198:11 Prefiled [2] - 162:7, 434:12 prefiled [76] - 155:20, 156:5, 156:9, 161:17, 161:24, 187:9, 219:12, 219:19, 245:25, 246:17, 247:4, 247:11, 254:22, 262:11, 269:13, 270:21, 272:1, 285:4, 310:24, 316:7, 316:24, 324:4, 325:4, 326:5, 333:17, 341:15, 353:9, 360:10, 360:20, 361:23, 369:2, 380:22, 414:18, 427:24, 633:10, 636:16, 637:20, 637:24, 638:7, 647:13, 671:13, 671:16, 703:16, 708:3, 727:19, 730:6, 730:21, 734:2, 734:13, 737:23, 743:10, 744:12, 754:12, 761:15, 762:6, 764:9, 764:13, 775:7, 781:7, 781:10, 782:6, 782:8, 782:13, 789:19, 790:2, 791:19, 794:7, 794:19, 795:1, 810:1, 814:23, 815:24, 828:8, 870:9, 892:15, 893:1
---	--	--	--	--	---	---

<p>pregnant [1] - 564:10</p> <p>prehearing [8] - 161:17, 161:22, 161:23, 284:1, 349:18, 349:23, 892:7, 892:25</p> <p>prejudgmen t [1] - 431:18</p> <p>prejudices [1] - 422:19</p> <p>preliminary [18] - 6:13, 31:18, 158:9, 195:24, 196:10, 197:7, 197:8, 359:24, 361:20, 380:11, 442:17, 594:17, 726:8, 755:8, 755:9, 755:14, 770:1, 812:21</p> <p>Preliminary [1] - 197:3</p> <p>premature [1] - 492:6</p> <p>premier [1] - 629:14</p> <p>premium [3] - 96:2, 775:13, 821:1</p> <p>preparation [1] - 796:13</p> <p>prepare [3] - 311:17, 361:3, 432:21</p> <p>Prepared [1] - 388:22</p> <p>prepared [15] - 9:12, 70:6, 153:24, 162:9, 309:6, 362:20, 365:6, 401:13, 444:6, 485:23, 514:1, 528:9, 601:9, 639:3, 815:25</p> <p>preparing [6] - 400:1, 626:6, 639:12, 639:15, 676:18, 709:6</p> <p>preposterou s [1] - 129:7</p> <p>prerogative [1] - 585:8</p>	<p>prerogative s [1] - 282:22</p> <p>prescribed [1] - 449:14</p> <p>presence [6] - 53:1, 360:4, 447:11, 460:7, 741:21, 829:22</p> <p>present [34] - 2:23, 10:9, 28:4, 50:4, 50:22, 68:19, 107:6, 155:19, 156:2, 156:8, 200:3, 226:14, 246:24, 297:20, 386:18, 401:9, 401:11, 405:15, 407:2, 481:12, 494:6, 495:21, 554:16, 592:21, 599:15, 632:24, 680:16, 684:20, 746:11, 748:10, 757:25, 758:9, 824:17, 873:9</p> <p>presentatio n [18] - 1:19, 5:14, 6:2, 68:9, 162:25, 211:10, 266:8, 434:15, 441:25, 579:23, 582:17, 593:16, 609:13, 625:9, 643:23, 690:10, 780:18, 780:19</p> <p>presentatio ns [6] - 5:25, 404:21, 581:12, 693:5, 693:6, 693:7</p> <p>presented [27] - 52:10, 53:20, 54:24, 133:25, 163:13, 246:14, 351:14, 410:3,</p>	<p>434:12, 491:21, 535:19, 549:25, 580:4, 580:5, 626:4, 644:1, 649:10, 659:15, 672:9, 710:20, 730:25, 732:18, 732:22, 733:16, 747:16, 769:8, 893:4</p> <p>presenting [2] - 163:9, 580:9</p> <p>presently [8] - 64:2, 226:8, 484:20, 527:15, 527:19, 528:23, 882:7</p> <p>Presently [1] - 94:14</p> <p>presents [3] - 70:9, 507:2, 743:9</p> <p>preservatio n [3] - 104:6, 185:20, 558:25</p> <p>Preservatio n [1] - 483:7</p> <p>preserve [16] - 46:14, 130:22, 185:10, 459:5, 484:24, 495:10, 495:13, 498:22, 504:18, 530:17, 535:8, 560:18, 599:14, 649:8, 675:19</p> <p>Preserve [1] - 561:24</p> <p>preserved [5] - 131:2, 500:24, 535:13, 575:3, 575:5</p> <p>preserves [1] - 197:4</p> <p>preserving [4] - 75:4, 162:14, 185:17, 629:7</p>	<p>president [17] - 11:2, 11:15, 65:10, 107:4, 149:21, 169:25, 170:20, 178:2, 259:25, 269:14, 481:2, 486:25, 493:17, 529:13, 566:23, 611:1, 889:15</p> <p>President [2] - 202:12, 819:21</p> <p>Presidential [1] - 748:2</p> <p>Presidential s [2] - 497:24, 664:2</p> <p>presiding [6] - 1:5, 155:1, 162:3, 162:11, 162:12, 360:7</p> <p>press [9] - 130:24, 786:25, 787:4, 787:7, 787:16, 787:21, 797:8, 797:15, 797:19</p> <p>Press [4] - 55:24, 74:3, 128:6, 416:16</p> <p>pressed [3] - 50:11, 284:18, 763:18</p> <p>pressure [1] - 44:5</p> <p>pressured [1] - 485:2</p> <p>pressures [2] - 460:13, 536:4</p> <p>presumably [2] - 278:5, 798:12</p> <p>presumptio ns [1] - 461:5</p> <p>pretend [3] - 255:25, 416:5, 683:23</p> <p>Pretty [2] - 466:14, 869:12</p> <p>pretty [49] - 25:11, 31:20, 57:15, 58:18, 123:11,</p>	<p>123:17, 141:9, 207:2, 216:11, 244:16, 260:23, 291:23, 299:23, 337:19, 390:12, 393:18, 420:21, 420:25, 445:3, 514:13, 521:4, 541:7, 545:25, 565:19, 585:1, 592:4, 624:25, 641:20, 649:2, 651:24, 652:3, 659:18, 660:14, 662:5, 662:8, 678:21, 691:13, 715:7, 749:6, 754:2, 757:18, 760:20, 765:24, 766:23, 770:5, 785:9, 806:21, 884:22, 888:25</p> <p>prevail [1] - 510:4</p> <p>prevalent [1] - 395:15</p> <p>prevent [8] - 50:11, 92:3, 97:15, 152:11, 218:17, 326:17, 471:4, 622:7</p> <p>prevented [1] - 49:16</p> <p>preventing [2] - 41:15, 218:11</p> <p>Previous [1] - 820:24</p> <p>previous [5] - 224:15, 305:1, 358:5, 524:7, 795:2</p> <p>previously [7] - 165:9, 360:6, 362:22, 362:23, 528:24, 559:4, 650:2</p> <p>price [68] - 12:8, 70:2, 115:3, 167:10, 168:1, 168:2,</p>	<p>192:19, 192:25, 254:5, 261:15, 261:17, 261:18, 261:21, 262:16, 262:18, 262:19, 262:25, 263:1, 264:5, 264:16, 268:16, 268:17, 269:5, 269:6, 273:7, 273:8, 278:19, 279:7, 280:4, 282:3, 335:24, 339:15, 340:12, 344:4, 344:6, 344:11, 383:14, 435:16, 481:12, 481:18, 571:4, 573:24, 573:25, 574:2, 574:4, 590:10, 818:13, 823:8, 824:3, 836:16, 836:22, 837:1, 837:24, 838:8, 838:15, 838:24, 838:25, 839:25, 840:7, 843:22, 846:2, 864:25, 877:14, 877:21, 880:25, 884:2, 884:13</p> <p>priced [2] - 261:8, 584:2</p> <p>Prices [1] - 268:22</p> <p>prices [34] - 53:17, 101:1, 101:7, 101:12, 101:19, 101:20, 258:1, 259:4, 259:7, 260:22, 262:23, 268:19, 268:20, 270:13, 435:19, 435:22, 435:23, 435:24, 436:8, 436:9, 436:13,</p>	<p>436:20, 481:13, 587:17, 765:9, 765:13, 822:9, 823:25, 824:2, 843:23, 873:25, 884:10</p> <p>pricing [7] - 435:21, 437:3, 437:5, 437:24, 571:18, 587:13, 886:21</p> <p>Primarily [1] - 731:23</p> <p>primarily [20] - 62:13, 187:22, 188:10, 188:16, 191:5, 253:7, 336:2, 336:19, 354:18, 358:18, 645:8, 686:1, 727:21, 770:11, 772:10, 772:18, 772:20, 793:3, 798:15, 832:3</p> <p>primary [17] - 133:19, 181:18, 200:18, 227:9, 228:22, 435:4, 449:19, 484:19, 561:11, 647:14, 676:21, 723:16, 735:14, 744:8, 790:25, 844:17, 844:18</p> <p>prime [3] - 732:10, 734:23, 759:1</p> <p>primitive [6] - 320:12, 685:24, 740:9, 747:15, 775:13, 775:15</p> <p>Prince [1] - 53:9</p> <p>Princeton [2] - 352:15, 407:21</p>
--	---	---	---	--	---	--

<p>principal [2] - 332:15, 848:18</p> <p>principally [2] - 257:15, 358:21</p> <p>principle [2] - 12:2, 737:12</p> <p>principled [1] - 529:24</p> <p>principles [3] - 240:11, 398:23, 683:17</p> <p>print [2] - 476:16, 661:18</p> <p>printed [4] - 345:1, 456:24, 605:24, 608:21</p> <p>priority [9] - 400:7, 492:3, 574:25, 576:6, 751:1, 792:18, 812:17, 843:14, 843:15</p> <p>pristine [16] - 17:13, 98:2, 99:13, 99:17, 128:19, 132:20, 236:11, 463:23, 515:18, 526:19, 535:3, 536:9, 556:12, 698:1, 743:24, 747:11</p> <p>Prius [3] - 135:12, 466:16, 466:17</p> <p>Priuses [1] - 120:7</p> <p>Private [2] - 539:11, 738:13</p> <p>private [28] - 95:7, 95:20, 195:3, 252:2, 254:2, 357:4, 421:9, 421:11, 440:6, 446:17, 447:19, 478:13, 487:25, 488:23, 574:21,</p>	<p>611:13, 611:15, 612:6, 612:8, 650:10, 738:16, 741:13, 744:9, 746:6, 751:21, 752:4, 753:4, 765:17</p> <p>privately [2] - 574:15, 611:6</p> <p>privilege [2] - 484:9, 738:19</p> <p>privileged [1] - 567:6</p> <p>privy [1] - 436:16</p> <p>prized [2] - 74:9, 487:20</p> <p>pro [6] - 115:23, 115:24, 115:25, 120:3, 788:25</p> <p>proactive [1] - 275:20</p> <p>proactively [1] - 201:15</p> <p>problem [59] - 21:21, 28:4, 41:24, 42:3, 54:19, 58:3, 58:4, 61:5, 117:11, 131:19, 131:20, 133:11, 144:2, 144:3, 144:12, 210:8, 235:24, 255:22, 262:3, 296:22, 364:20, 368:13, 405:4, 405:6, 405:8, 405:9, 407:4, 408:24, 410:5, 410:10, 410:14, 411:12, 411:16, 422:21, 430:24, 470:15, 476:23, 514:20, 515:11, 515:19, 528:4, 531:20, 539:9, 549:19, 573:13, 661:2, 661:3, 661:9,</p>	<p>663:23, 669:25, 692:19, 694:17, 720:1, 720:8, 726:13, 838:7, 853:8, 876:12</p> <p>problematic [1] - 790:25</p> <p>problems [26] - 12:12, 42:6, 44:5, 52:13, 57:22, 58:16, 61:6, 77:3, 102:10, 177:22, 204:6, 209:7, 258:4, 451:11, 452:20, 476:12, 476:13, 559:8, 645:8, 649:16, 707:13, 719:22, 721:5, 857:14, 875:11, 887:2</p> <p>procedural [2] - 9:8, 161:25</p> <p>procedure [2] - 243:13, 846:4</p> <p>proceed [9] - 75:21, 163:21, 439:5, 441:14, 444:11, 593:17, 595:9, 706:12, 829:11</p> <p>proceeding [8] - 56:10, 162:5, 162:13, 363:17, 409:1, 426:23, 427:15, 511:3</p> <p>proceeding s [10] - 3:14, 8:21, 161:11, 410:20, 459:4, 520:25, 771:12, 808:1, 869:22, 893:11</p> <p>proceeds [1] - 146:15</p> <p>process [82] - 16:9, 25:3, 100:21, 161:7, 165:25, 175:15,</p>	<p>190:25, 197:7, 218:15, 224:4, 228:21, 229:5, 232:6, 234:15, 282:19, 282:23, 285:11, 285:17, 285:19, 285:25, 286:12, 286:21, 287:2, 287:7, 287:24, 289:19, 293:24, 306:12, 313:14, 317:21, 345:15, 347:5, 354:17, 354:23, 368:8, 370:25, 398:20, 399:20, 408:9, 408:11, 409:5, 409:17, 409:18, 418:12, 418:13, 418:17, 418:19, 420:7, 420:23, 448:7, 449:2, 450:19, 461:16, 480:10, 506:24, 507:1, 545:4, 573:7, 585:7, 586:6, 594:18, 630:12, 645:20, 681:21, 683:19, 685:12, 686:6, 705:9, 705:10, 705:12, 731:18, 765:7, 767:12, 784:23, 806:20, 808:18, 809:18, 824:4, 872:6, 879:25, 892:23</p> <p>processed [2] - 8:7, 211:5</p> <p>processes [3] - 165:11, 449:1, 753:3</p> <p>processing [5] - 8:1, 8:5,</p>	<p>160:17, 211:14, 504:12</p> <p>procure [1] - 610:23</p> <p>procurement [2] - 164:16, 431:8</p> <p>Prodan [2] - 457:16, 460:16</p> <p>PRODAN [1] - 460:16</p> <p>produce [30] - 24:17, 25:22, 26:2, 26:18, 36:8, 39:14, 48:13, 79:18, 115:7, 115:16, 117:19, 151:24, 152:25, 181:24, 182:12, 279:5, 379:18, 408:2, 451:1, 477:22, 519:23, 520:4, 551:17, 556:18, 578:17, 606:18, 862:18, 874:6, 877:19, 877:20</p> <p>produced [20] - 26:18, 26:23, 59:22, 120:15, 123:3, 148:22, 181:22, 338:14, 435:24, 551:16, 605:22, 645:25, 679:9, 750:23, 821:6, 851:19, 857:12, 874:22, 878:7, 880:22</p> <p>Producers [6] - 357:8, 583:6, 816:10, 817:16, 819:24, 868:20</p> <p>producers [3] - 109:12, 817:17, 817:18</p>	<p>produces [8] - 55:10, 79:17, 111:16, 177:7, 412:13, 514:17, 633:2, 879:2</p> <p>producing [11] - 26:21, 55:3, 187:21, 265:17, 363:3, 434:20, 569:5, 605:19, 656:2, 672:25, 822:1</p> <p>product [20] - 185:11, 451:5, 451:22, 466:17, 504:22, 609:5, 657:6, 820:23, 820:24, 820:25, 821:3, 821:15, 822:14, 834:22, 836:3, 837:5, 837:8, 838:25, 839:6, 846:12</p> <p>production [28] - 55:5, 55:12, 79:15, 115:2, 249:17, 279:24, 281:5, 281:6, 281:9, 281:25, 342:7, 382:4, 382:7, 383:1, 383:2, 383:4, 383:13, 383:15, 447:18, 490:23, 543:11, 563:15, 577:13, 750:14, 750:15, 751:1, 868:5, 873:24</p> <p>productions [1] - 750:19</p> <p>productive [1] - 109:12</p> <p>productivity [1] - 542:10</p> <p>products [10] - 50:3, 475:2, 494:21, 557:18, 609:1, 785:16, 821:12, 836:5, 846:7</p> <p>profess [1] -</p>	<p>51:24</p> <p>professiona l [21] - 3:9, 84:11, 84:20, 156:19, 195:9, 204:17, 278:9, 392:22, 455:10, 474:18, 480:2, 485:12, 575:17, 616:4, 678:14, 683:10, 714:23, 723:13, 754:13, 800:16, 800:17</p> <p>professiona lly [2] - 84:17, 636:8</p> <p>professiona ls [3] - 635:2, 683:22, 845:4</p> <p>professor [5] - 143:19, 459:17, 529:15, 716:24, 893:5</p> <p>Professor [1] - 868:19</p> <p>profile [5] - 62:18, 203:4, 439:6, 522:9, 671:19</p> <p>profiles [1] - 855:1</p> <p>profit [6] - 182:13, 182:16, 370:7, 446:24, 500:20, 752:4</p> <p>profitable [4] - 382:8, 383:16, 539:15, 655:19</p> <p>profitably [1] - 260:21</p> <p>profits [9] - 151:16, 153:9, 382:8, 382:9, 383:3, 383:5, 383:17, 478:10, 823:15</p> <p>profound [2] - 61:1, 542:8</p> <p>Program [3] - 230:2, 730:14,</p>
--	--	--	---	--	--	--

752:13 program [40] - 112:7, 135:19, 140:22, 189:22, 403:21, 406:3, 441:9, 482:2, 488:1, 567:12, 633:11, 727:16, 730:9, 741:10, 742:6, 766:2, 766:3, 797:16, 797:25, 798:1, 798:6, 798:16, 798:17, 798:23, 799:2, 801:22, 801:23, 858:19, 860:20, 865:14, 879:6, 879:16, 880:13, 881:2, 881:24, 882:2, 882:5, 882:18, 882:23 programs [8] - 465:9, 801:21, 821:22, 836:7, 858:11, 859:16, 860:9, 881:25 progress [2] - 430:17, 668:21 progressed [1] - 650:23 progressive [1] - 679:12 prohibit [1] - 740:22 prohibits [1] - 728:7 Project [5] - 352:5, 352:13, 375:1, 530:24, 809:10 project [796] - 3:21, 5:14, 6:19, 9:23, 10:11, 11:12, 12:2, 12:14, 12:17, 12:24, 13:3, 13:17, 13:21, 13:24, 14:1, 14:4, 14:7, 14:11,	14:18, 14:19, 14:20, 14:24, 15:5, 15:14, 15:20, 15:22, 16:2, 16:3, 17:3, 17:4, 17:6, 17:8, 17:22, 18:9, 18:25, 19:6, 19:15, 20:3, 20:22, 21:5, 21:6, 21:19, 23:21, 26:12, 26:21, 31:5, 31:16, 33:9, 41:13, 42:5, 44:10, 44:24, 46:9, 46:23, 48:21, 49:3, 55:3, 55:9, 55:15, 55:17, 55:25, 56:8, 56:11, 56:12, 56:18, 56:25, 59:8, 60:3, 62:14, 62:17, 63:19, 64:14, 65:1, 65:24, 66:2, 67:8, 70:13, 75:21, 78:2, 78:13, 78:15, 79:9, 80:7, 80:9, 80:19, 81:2, 81:16, 82:16, 84:10, 85:9, 87:10, 88:1, 90:17, 91:22, 92:4, 97:3, 97:13, 101:3, 103:24, 104:9, 104:24, 104:25, 105:1, 111:2, 128:7, 129:20, 129:21, 130:18, 132:7, 133:12, 134:7, 134:17, 136:10, 137:4, 137:6, 138:19, 140:19, 143:24, 143:25, 149:4, 157:4, 157:21, 158:17, 158:25, 159:18, 161:21, 162:5, 164:3, 164:7, 164:11,	164:14, 164:15, 164:18, 165:1, 165:3, 165:9, 165:10, 165:12, 165:13, 165:18, 165:20, 165:23, 166:23, 167:5, 167:14, 167:16, 167:17, 168:5, 168:18, 168:21, 169:7, 169:15, 169:20, 169:21, 169:24, 170:2, 170:3, 170:9, 170:13, 172:13, 175:21, 175:25, 176:12, 176:23, 177:23, 178:8, 178:12, 178:20, 179:16, 180:10, 181:25, 182:9, 182:10, 182:15, 183:5, 183:7, 183:13, 183:15, 183:21, 188:19, 189:10, 189:25, 190:4, 190:6, 190:10, 190:16, 190:18, 190:22, 192:13, 192:19, 192:20, 192:24, 193:10, 193:16, 195:4, 195:8, 195:11, 195:12, 195:18, 195:19, 195:22, 196:2, 196:18, 196:21, 196:23, 196:25, 197:24, 198:5,	198:7, 198:8, 198:23, 199:18, 199:20, 199:23, 200:19, 201:1, 201:11, 201:20, 201:23, 201:24, 202:24, 203:4, 203:9, 204:12, 205:8, 208:11, 208:17, 209:12, 212:12, 213:15, 220:5, 220:13, 220:15, 220:18, 220:25, 221:8, 223:20, 226:11, 228:9, 228:17, 228:23, 229:9, 229:23, 229:24, 230:17, 230:19, 231:14, 232:13, 233:22, 236:25, 240:24, 241:16, 241:20, 244:20, 245:4, 246:15, 247:6, 252:25, 255:3, 256:23, 258:14, 258:15, 260:12, 261:5, 262:12, 267:3, 267:6, 269:3, 274:22, 277:11, 277:14, 277:17, 280:1, 280:8, 281:4, 281:11, 285:13, 291:1, 291:18, 295:7, 295:14, 296:24, 305:13, 306:24, 307:20, 309:21, 310:20, 313:6, 316:8, 316:11,	317:1, 317:5, 317:9, 317:13, 317:24, 317:25, 331:21, 332:2, 333:2, 339:17, 341:23, 345:7, 345:10, 345:12, 345:18, 346:11, 347:8, 347:15, 348:10, 349:19, 350:1, 350:9, 351:17, 351:18, 351:21, 351:24, 352:1, 352:9, 354:1, 354:21, 354:23, 355:1, 355:2, 356:7, 356:8, 356:14, 360:25, 361:1, 361:13, 361:18, 361:25, 363:7, 364:23, 366:25, 371:25, 372:1, 372:16, 372:17, 374:19, 377:1, 380:10, 382:5, 386:15, 389:2, 389:5, 389:20, 391:8, 391:9, 392:18, 396:13, 396:14, 398:4, 398:6, 399:16, 408:12, 409:3, 409:4, 413:6, 413:14, 417:6, 417:15, 418:6, 418:15, 419:16, 419:17, 419:20, 419:24, 420:18, 420:25, 421:4, 421:12, 421:13, 421:15, 421:16, 421:17, 427:21, 427:22, 428:1, 428:2, 428:7, 428:10, 429:2,	429:22, 430:5, 430:6, 430:11, 430:13, 431:8, 431:16, 431:24, 432:3, 432:4, 432:9, 433:4, 433:7, 433:15, 434:5, 434:9, 434:10, 434:16, 434:20, 436:23, 437:22, 438:19, 440:2, 441:25, 442:24, 443:15, 445:11, 445:15, 445:16, 447:6, 447:9, 447:17, 447:23, 450:4, 450:25, 451:16, 451:21, 452:10, 452:21, 455:22, 455:23, 455:24, 456:1, 461:1, 465:16, 465:22, 469:17, 470:12, 470:21, 471:3, 472:3, 472:5, 473:22, 475:7, 475:8, 475:19, 477:12, 478:16, 480:6, 481:5, 483:4, 484:11, 485:3, 485:7, 485:9, 485:14, 485:17, 485:25, 486:7, 486:10, 486:18, 489:8, 489:11, 494:12, 500:4, 500:19, 500:22, 502:2, 506:10, 506:15, 507:7, 507:14, 507:16, 507:17, 507:20, 508:3, 508:4, 508:12, 508:23, 509:13,	510:18, 511:14, 511:17, 513:14, 513:25, 514:3, 515:12, 519:15, 519:18, 519:19, 519:21, 519:22, 519:24, 520:4, 520:9, 520:11, 521:22, 521:25, 527:11, 528:1, 528:7, 529:9, 530:1, 530:4, 530:19, 531:23, 534:5, 534:7, 534:11, 535:20, 535:25, 544:5, 544:13, 545:1, 548:22, 548:24, 548:25, 549:8, 549:17, 550:7, 554:10, 559:1, 559:20, 560:15, 560:17, 561:17, 563:8, 566:14, 566:22, 566:24, 568:22, 569:6, 570:17, 571:4, 571:17, 572:19, 572:20, 572:25, 573:12, 573:19, 575:19, 575:21, 575:23, 575:25, 576:3, 576:11, 576:16, 577:2, 577:6, 577:10, 578:11, 578:13, 586:6, 586:11, 586:20, 587:24, 589:13, 590:7, 597:2, 597:7, 597:13, 597:21, 598:1, 600:24,
--	--	--	---	--	---	---

601:17, 603:18, 603:21, 603:23, 604:9, 606:19, 607:25, 608:13, 610:5, 610:8, 610:10, 610:13, 610:14, 615:18, 616:4, 625:8, 626:1, 627:15, 627:23, 629:17, 635:10, 636:4, 636:10, 639:1, 639:4, 639:10, 640:19, 643:4, 643:17, 645:15, 647:17, 648:17, 648:18, 649:1, 650:21, 653:19, 654:4, 654:10, 654:15, 656:1, 660:16, 674:25, 676:13, 677:1, 681:17, 682:14, 684:3, 684:8, 684:11, 684:12, 684:14, 685:2, 686:14, 687:3, 694:8, 698:18, 701:11, 703:11, 703:16, 703:22, 705:13, 709:1, 717:6, 718:5, 718:12, 719:3, 719:5, 722:1, 722:21, 723:20, 723:25, 724:16, 725:8, 725:24, 726:15, 727:14, 728:8, 728:11, 728:18, 731:18, 731:20, 731:22, 732:9, 734:13, 734:16, 734:19,	734:22, 735:15, 737:6, 737:21, 739:13, 740:12, 740:13, 740:19, 741:17, 743:5, 743:13, 743:16, 743:19, 744:3, 744:20, 744:21, 749:24, 750:3, 759:8, 763:9, 767:4, 767:10, 767:12, 767:16, 767:19, 770:6, 770:7, 771:4, 771:20, 772:2, 773:15, 774:5, 779:8, 779:18, 789:19, 789:24, 790:16, 791:23, 794:24, 796:18, 805:4, 805:22, 806:7, 806:19, 807:10, 807:22, 809:11, 809:13, 809:22, 810:13, 811:16, 811:22, 815:22, 818:6, 820:8, 821:12, 821:18, 821:19, 822:17, 823:9, 824:7, 824:24, 827:6, 827:8, 827:9, 828:4, 829:21, 830:5, 831:10, 831:13, 832:9, 838:10, 838:11, 839:23, 841:11, 841:19, 844:5, 844:6, 845:16, 847:9, 848:25, 849:7, 849:9, 849:15, 849:16, 850:2, 850:3, 850:7,	850:25, 851:1, 851:22, 852:25, 854:15, 854:22, 854:23, 854:24, 855:22, 856:5, 856:6, 856:9, 856:23, 861:19, 861:23, 862:10, 862:17, 863:8, 863:19, 865:7, 868:5, 869:9, 869:24, 870:13, 870:14, 871:5, 871:14, 871:19, 874:13, 874:14, 876:4, 876:21, 877:6, 877:14, 877:15, 878:14, 878:16, 878:22, 879:14, 880:2, 881:1, 881:14, 884:7, 887:14, 887:18, 888:17, 889:19, 890:9, 890:11, 890:16, 891:8, 891:9 project's [4] - 195:22, 449:16, 823:10, 848:9 project- specific [2] - 195:19, 431:8 projected [10] - 108:20, 361:25, 402:23, 403:25, 449:15, 450:5, 603:23, 655:16, 655:18, 880:14 projection [1] - 211:21 projections [3] - 450:22, 541:25, 852:2,	projects [197] - 11:11, 15:23, 17:10, 17:17, 17:22, 20:19, 20:20, 20:24, 21:1, 21:2, 21:3, 43:13, 43:14, 46:24, 54:12, 137:1, 138:10, 152:9, 162:6, 164:21, 165:6, 166:7, 167:3, 168:7, 168:8, 168:9, 174:20, 174:25, 175:4, 175:5, 175:10, 175:12, 178:11, 178:17, 181:19, 182:11, 192:17, 193:7, 195:6, 195:7, 200:10, 200:11, 200:13, 200:15, 200:23, 200:25, 201:2, 201:3, 201:21, 202:3, 202:10, 213:11, 216:8, 220:8, 247:17, 258:13, 277:9, 281:18, 282:2, 310:13, 316:9, 316:21, 332:3, 332:23, 334:5, 349:25, 350:3, 350:4, 350:5, 351:10, 352:20, 352:21, 353:1, 353:2, 353:10, 353:17, 354:6, 354:12, 354:14, 354:15, 365:22, 398:15, 400:22, 402:3, 408:23, 410:14, 418:15, 419:25, 420:6, 420:15, 420:22, 421:3, 421:14, 427:23, 430:3, 430:7, 431:11,	432:23, 439:14, 445:19, 456:3, 456:4, 456:10, 456:16, 457:1, 457:2, 457:3, 457:4, 464:21, 484:17, 485:4, 485:23, 486:8, 490:15, 492:8, 502:11, 507:23, 508:1, 546:1, 585:16, 588:23, 588:24, 588:25, 590:5, 615:13, 616:7, 643:18, 644:20, 644:21, 654:4, 681:15, 682:5, 682:10, 682:12, 687:1, 694:15, 694:19, 695:11, 699:6, 711:1, 723:16, 740:1, 749:25, 750:2, 750:5, 750:7, 765:10, 765:14, 765:17, 765:19, 765:21, 785:1, 785:7, 787:19, 787:20, 788:13, 805:17, 806:3, 806:4, 806:11, 807:5, 807:21, 808:12, 808:14, 808:24, 809:5, 809:7, 817:13, 819:25, 824:9, 824:11, 824:12, 824:15, 827:4, 831:14, 845:2, 849:4, 849:5, 849:19, 849:22, 850:24, 853:16, 853:17, 853:19, 855:13, 856:7, 856:9, 856:11, 856:12, 856:24, 879:23, 880:8,	880:10, 880:11, 880:12 Projects [1] - 353:20 prolong [1] - 761:1 prominence [1] - 845:17 prominent [5] - 649:19, 685:3, 687:23, 688:18, 742:8 promise [8] - 32:19, 34:22, 139:6, 506:23, 508:7, 508:9, 540:10, 725:11 promised [2] - 50:3, 889:3 promises [7] - 50:2, 148:2, 150:13, 450:5, 506:19, 509:3, 829:1 promote [4] - 104:1, 475:25, 504:21, 865:12 promoted [4] - 151:23, 432:12, 474:24, 879:24 promoter's [1] - 37:23 promoters [1] - 480:8 promoting [6] - 41:15, 62:19, 586:17, 682:1, 817:13 promptly [1] - 441:12 pronounced [2] - 389:19, 448:18 pronouncin g [1] - 64:19 pronunciati on [1] - 23:16 proof [2] - 111:22, 839:8 propaganda [2] - 37:23, 148:3 propeller [2] - 27:18, 27:20 propellers [1]	- 452:5 proper [8] - 234:16, 246:23, 298:20, 474:24, 479:6, 735:2, 764:12, 807:4 Proper [1] - 201:14 properly [4] - 66:7, 203:24, 479:16, 559:5 propertied [1] - 318:5 properties [7] - 52:9, 109:1, 270:19, 752:22, 824:12, 844:14, 844:15 property [46] - 15:12, 21:14, 21:15, 24:11, 32:11, 82:3, 88:12, 93:25, 109:3, 109:4, 184:3, 202:17, 205:10, 254:1, 271:2, 271:20, 281:12, 440:13, 452:3, 464:6, 464:16, 496:5, 516:21, 517:5, 521:23, 522:2, 527:20, 613:21, 625:18, 735:11, 738:13, 738:14, 738:16, 824:11, 830:11, 830:15, 831:4, 831:8, 831:16, 832:8, 832:11, 843:22, 843:23, 870:22, 889:24 proponent [2] - 22:14, 471:3 proponent's [1] - 246:15 proponents [6] - 511:24, 576:2, 597:2,
---	--	--	--	--	--	---

<p>726:18, 816:13, 816:19</p> <p>proportion</p> <p>[6] - 187:20, 243:10, 244:6, 486:3, 852:16, 863:25</p> <p>proportiona l [2] - 419:23, 420:2</p> <p>proportiona te [1] - 438:4</p> <p>proportiona tely [1] - 423:19</p> <p>proportions [1] - 108:9</p> <p>Proposal [1] - 73:21</p> <p>proposal [62] - 2:24, 10:10, 15:15, 51:15, 72:14, 93:24, 94:23, 95:1, 95:21, 96:7, 96:9, 100:19, 101:25, 110:2, 111:9, 111:12, 112:13, 125:2, 144:4, 148:11, 150:2, 152:17, 155:22, 156:2, 156:5, 211:3, 262:10, 430:5, 448:1, 457:21, 457:23, 467:14, 475:11, 476:2, 476:23, 485:25, 489:5, 496:21, 498:8, 498:19, 512:6, 523:4, 523:11, 528:12, 531:1, 536:16, 556:16, 560:23, 583:17, 584:20, 584:24, 591:17, 604:20, 625:5, 626:15, 682:17, 728:13, 737:25, 770:2, 771:1, 811:16, 870:5</p> <p>proposals [6]</p>	<p>- 93:11, 490:16, 499:22, 578:2, 822:23, 882:8</p> <p>propose [7] - 12:1, 164:3, 177:17, 208:13, 269:1, 379:16, 716:17</p> <p>Proposed [1] - 844:6</p> <p>proposed [119] - 5:15, 6:15, 6:18, 10:11, 10:13, 25:12, 25:16, 26:11, 26:12, 45:1, 46:6, 48:6, 49:17, 54:12, 86:4, 95:19, 98:13, 133:7, 147:15, 147:22, 158:12, 158:16, 159:4, 161:21, 176:23, 195:25, 198:1, 203:9, 204:12, 204:14, 204:16, 204:18, 208:8, 247:18, 317:17, 328:13, 347:17, 352:1, 352:5, 365:16, 365:23, 366:7, 367:17, 369:17, 369:21, 413:6, 421:12, 427:25, 428:7, 428:8, 430:19, 442:19, 442:23, 447:5, 450:4, 454:17, 455:4, 456:16, 457:2, 461:21, 475:7, 478:21, 480:6, 484:19, 485:3, 485:9, 493:8, 497:6, 497:7, 497:16, 510:17, 584:23, 591:18, 597:21, 598:1, 616:4, 616:8, 637:18,</p>	<p>654:12, 681:16, 684:7, 697:4, 703:20, 711:23, 723:20, 725:15, 728:8, 733:20, 733:25, 735:15, 736:2, 736:12, 736:15, 736:17, 736:18, 736:19, 737:16, 737:20, 738:11, 740:1, 740:3, 750:1, 750:5, 774:20, 790:15, 794:25, 809:5, 811:12, 811:13, 816:14, 818:5, 823:8, 827:5, 827:8, 828:3, 831:2, 831:11, 844:5, 866:15</p> <p>proposes [2] - 44:11, 739:13</p> <p>proposing [13] - 177:1, 183:22, 224:3, 258:10, 310:14, 349:25, 392:24, 520:18, 532:7, 725:6, 744:19, 767:7, 795:18</p> <p>proposition [2] - 297:9, 577:19</p> <p>proprietary [6] - 362:22, 364:11, 367:1, 367:13, 433:12, 850:11</p> <p>pros [2] - 170:8, 485:10</p> <p>prospect [2] - 560:25, 848:1</p> <p>prospects [1] - 87:21</p> <p>prosperity [2] - 87:23, 458:12</p> <p>prosperous</p>	<p>[1] - 63:11</p> <p>Protect [1] - 495:24</p> <p>protect [51] - 24:14, 46:13, 95:24, 98:5, 121:20, 121:22, 121:25, 122:3, 127:18, 133:14, 147:3, 150:14, 173:6, 183:22, 185:8, 207:8, 427:10, 478:13, 480:3, 480:5, 480:10, 483:24, 487:17, 488:5, 493:4, 495:1, 495:13, 498:3, 535:16, 552:10, 552:16, 552:25, 553:17, 554:18, 575:8, 596:11, 599:10, 612:11, 622:2, 740:6, 740:17, 741:14, 745:24, 746:1, 749:10, 802:21, 808:6, 817:1, 827:22</p> <p>protected [50] - 45:12, 51:9, 98:4, 104:18, 121:16, 133:10, 133:13, 147:18, 150:1, 173:19, 203:19, 213:22, 217:5, 217:6, 313:12, 353:17, 353:18, 428:18, 457:12, 458:23, 460:25, 461:6, 461:9, 461:13, 461:24, 476:3, 478:8, 480:14, 484:21, 486:11, 511:9, 517:4, 519:10, 519:11,</p>	<p>519:12, 530:23, 530:25, 536:13, 553:6, 575:8, 586:1, 586:2, 613:9, 621:14, 650:9, 650:10, 688:7, 726:19, 779:23, 780:5</p> <p>Protected [1] - 116:20</p> <p>protecting [17] - 101:2, 112:2, 137:14, 150:20, 184:1, 195:20, 207:7, 236:2, 429:8, 455:11, 529:6, 553:1, 595:20, 599:24, 622:6, 682:19, 789:13</p> <p>Protection [4] - 86:1, 159:2, 220:10, 686:5</p> <p>protection [67] - 2:12, 15:16, 52:17, 137:12, 147:1, 151:4, 151:12, 155:15, 158:6, 158:18, 158:19, 214:1, 248:5, 248:6, 407:5, 427:19, 428:22, 430:16, 440:15, 440:17, 457:13, 458:21, 459:21, 461:3, 474:14, 477:21, 478:16, 483:22, 484:25, 485:13, 487:24, 491:22, 492:3, 493:8, 493:19, 494:9, 494:13, 494:20, 494:23, 495:4, 495:7, 495:18, 495:22, 549:23, 554:8, 554:22, 574:12,</p>	<p>596:12, 599:18, 623:23, 623:24, 624:2, 626:3, 627:9, 686:6, 740:25, 746:5, 750:16, 750:18, 750:20, 750:21, 751:1, 818:8, 827:20, 828:6, 829:2</p> <p>protections [1] - 853:2</p> <p>protective [2] - 221:3, 460:4</p> <p>protects [2] - 176:9, 199:12</p> <p>protocol [5] - 229:3, 788:8, 788:19, 788:25, 789:16</p> <p>protocols [4] - 275:19, 398:21, 785:4, 788:12</p> <p>prototypes [1] - 449:6</p> <p>protracted [1] - 621:12</p> <p>protrude [1] - 245:19</p> <p>proud [8] - 39:4, 89:4, 135:6, 143:4, 143:5, 149:7, 150:4, 173:3</p> <p>prove [6] - 47:4, 627:14, 655:18, 655:21, 833:20</p> <p>proved [3] - 31:19, 47:5, 49:7</p> <p>proven [2] - 203:19, 204:3</p> <p>provide [60] - 8:14, 20:1, 31:10, 66:4, 77:20, 89:11, 91:9, 95:16, 104:9, 137:3, 156:5, 161:2, 169:5, 174:21, 178:23, 186:20, 218:17, 255:1, 331:17,</p>	<p>333:14, 339:8, 361:1, 362:19, 364:24, 365:2, 365:10, 367:11, 405:21, 423:12, 429:3, 456:22, 460:11, 463:7, 470:1, 478:10, 479:5, 479:19, 479:21, 490:25, 497:14, 507:11, 522:13, 558:10, 588:5, 588:21, 627:20, 629:23, 644:3, 673:9, 680:24, 791:10, 792:7, 820:1, 850:19, 876:1, 889:23, 890:2, 890:15, 890:17</p> <p>Provide [1] - 495:24</p> <p>provided [23] - 80:23, 137:19, 165:10, 331:8, 361:6, 363:13, 364:20, 402:24, 428:5, 433:22, 437:15, 456:22, 583:22, 585:15, 646:11, 685:23, 725:12, 745:11, 809:25, 827:14, 849:23, 850:9, 850:10</p> <p>providence [1] - 422:13</p> <p>provides [12] - 18:16, 19:23, 71:12, 93:6, 137:5, 178:21, 301:23, 401:17, 588:12, 596:19, 742:6, 888:18</p> <p>providing</p>
---	--	---	--	--	---	--

<p>[11] - 105:24, 115:6, 152:7, 213:8, 253:12, 367:13, 399:15, 428:14, 855:23, 866:19, 874:12</p> <p>province [2] - 200:17, 201:22</p> <p>provinces [1] - 506:22</p> <p>provision [3] - 155:24, 618:6, 656:4</p> <p>provisions [8] - 2:5, 155:9, 199:6, 626:9, 728:9, 819:2, 842:23, 882:25</p> <p>proximate [1] - 167:12</p> <p>proximity [13] - 177:23, 229:24, 317:9, 345:16, 345:20, 355:5, 367:21, 429:7, 482:10, 684:7, 744:18, 812:15, 813:18</p> <p>PRR [1] - 248:8</p> <p>prudent [1] - 829:2</p> <p>public [89] - 2:7, 2:9, 2:22, 2:23, 4:3, 5:19, 8:17, 8:25, 9:9, 9:24, 9:25, 16:14, 42:3, 70:10, 84:7, 93:10, 151:10, 152:5, 154:5, 155:1, 161:6, 161:14, 162:1, 162:22, 207:22, 208:23, 221:7, 221:15, 254:1, 347:5, 379:14, 385:22, 405:22, 413:24, 433:14,</p>	<p>436:16, 441:1, 441:6, 450:4, 450:7, 450:9, 450:13, 456:23, 475:6, 487:25, 489:1, 491:16, 495:12, 498:5, 529:15, 539:19, 569:9, 574:12, 579:14, 599:8, 610:23, 612:25, 613:8, 683:19, 685:12, 685:13, 717:3, 740:24, 745:19, 749:7, 753:2, 753:3, 765:6, 765:12, 765:19, 779:3, 779:22, 780:4, 790:12, 818:3, 818:8, 818:11, 827:20, 828:7, 830:2, 830:3, 830:10, 847:24, 848:8, 859:13, 869:25, 889:18</p> <p>PUBLIC [2] - 16:16, 444:17</p> <p>Public [13] - 62:2, 85:2, 160:23, 202:14, 306:23, 520:12, 534:10, 538:22, 681:10, 843:9, 843:13, 867:16, 874:12</p> <p>public's [1] - 539:13</p> <p>publication [3] - 52:7, 681:13, 790:24</p> <p>publicly [7] - 201:2, 450:24, 684:8, 765:9, 765:13, 765:18, 805:17</p> <p>Publicover [10] - 680:21,</p>	<p>739:17, 747:16, 780:12, 780:15, 784:18, 809:2, 812:4, 812:6, 812:9</p> <p>PUBLICOVE</p> <p>R [1] - 739:16</p> <p>publish [1] - 415:13</p> <p>published [4] - 259:14, 415:1, 663:22, 783:25</p> <p>publishing [2] - 52:9, 556:25</p> <p>PUC [3] - 344:2, 839:3, 867:10</p> <p>PUC's [1] - 884:6</p> <p>pull [3] - 254:18, 562:3, 882:12</p> <p>pull-outs [1] - 254:18</p> <p>pulled [3] - 314:11, 420:23, 822:9</p> <p>pulling [2] - 505:12, 562:12</p> <p>pulp [3] - 479:9, 479:10, 505:10</p> <p>pulpwood [1] - 479:3</p> <p>pulse [1] - 708:12</p> <p>Pulsing [1] - 238:19</p> <p>pulsing [1] - 796:11</p> <p>pump [1] - 68:5</p> <p>pumps [1] - 115:4</p> <p>purchase [15] - 15:12, 50:25, 85:24, 254:7, 267:19, 267:20, 350:8, 474:9, 495:3, 762:3, 817:3, 821:5, 839:24, 858:8, 887:7</p> <p>purchased [5] - 132:22,</p>	<p>272:5, 516:21, 517:5, 525:16</p> <p>purchases [2] - 836:1, 839:16</p> <p>pure [3] - 37:14, 354:5, 513:16</p> <p>Purnell [1] - 11:7</p> <p>purple [4] - 38:2, 226:5, 467:13, 467:14</p> <p>purport [1] - 128:13</p> <p>purpose [20] - 2:22, 6:11, 24:24, 25:1, 91:7, 94:20, 155:16, 155:18, 158:7, 253:6, 293:7, 332:13, 361:12, 382:7, 406:4, 428:8, 442:15, 448:8, 461:2, 495:8</p> <p>purposely [2] - 88:17, 581:13</p> <p>purposes [7] - 3:12, 156:23, 226:21, 284:4, 290:4, 402:20, 889:25</p> <p>purse [1] - 765:6</p> <p>pursuant [4] - 2:4, 155:8, 593:1, 728:1</p> <p>pursue [1] - 890:4</p> <p>pursued [7] - 430:3, 430:8, 880:3, 880:9, 880:10, 880:11</p> <p>pursuing [5] - 349:14, 349:19, 350:4, 350:5, 351:21</p> <p>pursuit [2] - 783:7, 783:15</p> <p>pursuits [1] - 567:3</p> <p>push [2] - 132:12, 233:10</p> <p>pushes [2] -</p>	<p>66:15, 684:5</p> <p>pushing [1] - 26:20</p> <p>Put [1] - 143:2</p> <p>put [124] - 9:15, 32:3, 33:18, 40:14, 47:18, 49:10, 51:2, 62:22, 64:10, 64:13, 77:19, 78:18, 83:10, 89:19, 90:10, 90:13, 90:15, 97:12, 103:23, 109:17, 112:20, 114:13, 118:19, 119:5, 123:24, 123:25, 124:1, 124:2, 125:10, 140:10, 140:12, 141:19, 141:24, 143:3, 170:22, 176:10, 181:19, 184:14, 198:18, 207:23, 211:3, 211:6, 212:18, 217:4, 218:10, 225:2, 230:13, 234:9, 244:25, 254:18, 264:13, 264:16, 291:4, 298:6, 307:21, 308:14, 313:15, 325:12, 339:4, 339:6, 406:13, 407:1, 410:21, 411:25, 412:18, 433:1, 439:20, 440:7, 445:23, 450:8, 452:10, 452:12, 465:5, 472:21, 480:16, 504:2, 504:6, 504:9, 515:9, 517:1, 518:23, 520:2, 524:22, 527:16, 530:12, 532:23, 539:2,</p>	<p>541:24, 542:3, 543:16, 543:23, 554:8, 560:4, 562:13, 562:15, 563:9, 564:4, 569:22, 586:9, 589:15, 604:23, 628:13, 633:8, 655:8, 655:9, 657:9, 667:10, 673:15, 674:23, 693:10, 704:17, 710:20, 733:11, 734:4, 781:3, 787:10, 836:6, 851:4, 858:7, 872:18, 893:19</p> <p>puts [4] - 71:5, 90:20, 115:12, 508:12</p> <p>putting [24] - 33:10, 41:1, 79:25, 140:15, 152:14, 193:2, 205:18, 311:23, 406:4, 428:3, 439:18, 440:4, 440:8, 473:16, 492:7, 505:6, 516:23, 618:7, 628:24, 667:10, 669:3, 789:7, 893:15</p> <p>puzzled [2] - 365:1, 369:5</p>	<p>[1] - 630:7</p> <p>qualities [12] - 87:3, 99:13, 108:4, 197:4, 455:21, 455:22, 475:14, 492:22, 497:12, 522:12, 615:24, 685:25</p> <p>quality [60] - 12:12, 41:20, 42:6, 42:25, 82:8, 94:19, 99:12, 105:11, 105:13, 164:13, 165:13, 175:16, 199:18, 226:1, 263:5, 263:7, 263:8, 263:10, 327:17, 417:11, 419:22, 445:25, 446:1, 446:2, 446:25, 447:2, 457:6, 458:5, 480:3, 485:20, 493:1, 495:13, 522:9, 522:13, 529:22, 530:15, 530:17, 531:2, 545:13, 580:10, 603:6, 603:8, 603:9, 629:24, 630:11, 630:14, 643:7, 643:18, 663:19, 673:19, 684:9, 721:15, 742:6, 749:2, 754:16, 827:22, 847:22</p> <p>qualms [1] - 530:14</p> <p>quantify [3] - 293:24, 630:17, 635:4</p> <p>quantifying [1] - 630:11</p> <p>quarter [9] - 79:2, 178:14, 222:7, 282:24,</p>
Q					<p>qualificatio ns [2] - 13:3, 200:3</p> <p>qualified [3] - 182:9, 201:23, 872:23</p> <p>qualifies [3] - 723:25, 872:19, 878:18</p> <p>qualify [2] - 763:8, 856:2</p> <p>qualifying [3] - 182:10, 280:1, 855:19</p> <p>qualitative</p>	

283:1, 283:7, 286:12, 355:12, 738:24 quarters [4] - 286:13, 743:10, 743:11 queries [1] - 838:4 quest [2] - 111:21, 482:15 questionabl e [1] - 299:23 questioned [1] - 413:3 questioner [1] - 373:5 questioners [1] - 373:2 questioning [10] - 283:18, 284:17, 576:25, 634:21, 643:13, 761:11, 783:7, 783:9, 832:18, 842:16 questions [127] - 3:19, 3:22, 16:8, 31:21, 154:9, 154:12, 156:16, 157:2, 157:19, 162:18, 174:11, 179:23, 180:4, 180:11, 183:10, 187:1, 187:3, 189:3, 192:7, 210:16, 215:25, 219:20, 237:3, 269:7, 271:24, 282:15, 282:17, 282:23, 285:3, 287:18, 314:18, 319:3, 336:5, 343:23, 347:18, 349:8, 353:5, 355:22, 356:21, 357:9, 359:17, 360:19, 368:23, 386:5, 386:8, 387:4,	387:19, 389:2, 389:10, 392:16, 393:6, 396:21, 398:1, 401:2, 401:5, 409:2, 410:25, 416:23, 416:24, 417:1, 419:11, 424:14, 425:5, 425:9, 481:5, 481:7, 481:25, 485:16, 509:20, 510:8, 519:24, 521:11, 549:11, 549:16, 568:3, 570:20, 570:22, 583:11, 593:17, 610:19, 618:4, 624:23, 625:2, 631:17, 637:8, 663:4, 664:17, 671:2, 681:1, 699:25, 700:1, 701:6, 705:14, 705:21, 706:19, 727:2, 727:8, 731:11, 751:8, 751:10, 753:11, 757:21, 768:13, 769:25, 773:13, 775:6, 777:1, 786:10, 794:4, 796:21, 812:3, 815:9, 815:15, 829:5, 829:13, 834:5, 834:17, 837:10, 839:10, 859:21, 867:11, 867:13, 867:24, 868:1, 892:5 Questions [4] - 204:22, 266:9, 690:11, 705:5 queue [9] - 369:6, 369:7, 369:9, 369:10, 369:13, 369:16, 370:9, 370:13,	573:14 quick [14] - 32:19, 34:22, 111:11, 152:1, 304:1, 419:10, 514:13, 540:10, 590:15, 708:1, 714:24, 715:6, 757:21, 760:13 Quickly [1] - 341:9 quickly [33] - 28:15, 41:19, 66:17, 144:22, 184:12, 217:1, 232:17, 242:18, 242:19, 284:16, 315:8, 406:3, 420:10, 423:25, 424:1, 424:9, 571:1, 574:5, 575:11, 578:8, 580:1, 581:21, 638:16, 654:24, 671:7, 673:5, 687:24, 689:18, 750:17, 778:4, 824:21, 829:9, 873:1 quid [1] - 120:3 quiet [5] - 475:15, 476:15, 492:22, 513:1 quite [48] - 25:3, 66:17, 70:10, 139:21, 166:18, 170:8, 172:12, 181:6, 183:2, 187:18, 187:25, 190:8, 191:10, 235:18, 236:12, 245:4, 250:15, 346:24, 349:6, 354:4, 365:1, 404:11, 411:10, 412:21, 424:11, 424:20, 425:6, 425:23, 426:12,	446:13, 446:15, 452:13, 456:3, 505:11, 539:1, 607:21, 621:3, 621:7, 623:11, 660:16, 681:6, 681:25, 689:22, 690:2, 697:24, 698:4, 703:11, 741:22 quits [1] - 383:19 quo [1] - 120:3 Quoddy [1] - 759:23 quote [6] - 55:24, 348:8, 495:9, 727:21, 851:7, 884:25 Quoted [7] - 73:19, 706:9, 750:18, 797:22, 798:6, 799:24, 804:16 quoted [4] - 55:25, 459:9, 675:17, 783:24 quotes [1] - 462:20 quoting [3] - 245:25, 459:22, 732:15	397:25, 398:1, 398:3, 398:4, 398:9, 398:12, 399:6, 579:14 radical [2] - 415:3, 415:4 radically [1] - 415:20 Radio [1] - 520:12 radio [5] - 29:23, 29:24, 117:23, 233:18, 579:14 radio/ telephone [1] - 29:2 radius [5] - 356:9, 618:18, 701:1, 701:4, 701:11 raffle [1] - 822:13 Railroad [2] - 63:5, 504:8 railroad [1] - 63:6 railroads [2] - 525:19 rain [11] - 12:12, 28:5, 32:25, 57:18, 89:8, 123:17, 164:13, 481:22, 483:21, 501:19, 510:16 rainfall [4] - 726:13, 769:17, 826:11, 826:16 raining [1] - 145:8 rainy [4] - 10:6, 102:19, 715:5, 716:4 raise [9] - 5:5, 110:15, 141:17, 240:18, 521:12, 559:21, 565:12, 598:14, 831:4 raised [14] - 107:1, 180:11, 187:4, 422:15,	445:10, 519:12, 519:24, 523:24, 526:3, 526:8, 538:16, 567:2, 754:4, 795:8 raises [3] - 345:22, 422:18, 449:15 raising [3] - 186:16, 388:15, 487:16 ramification s [2] - 109:6, 465:12 ran [3] - 433:19, 525:19, 531:14 ranch [1] - 354:1 ranchers [1] - 456:23 ranches [1] - 456:21 random [1] - 27:22 Randy [20] - 9:23, 9:25, 10:7, 163:24, 170:20, 171:8, 171:14, 172:8, 176:5, 180:13, 262:13, 262:18, 329:20, 344:16, 348:8, 351:14, 353:5, 360:20, 373:11, 384:12 range [41] - 53:11, 56:14, 102:8, 102:11, 102:13, 221:16, 245:16, 297:22, 298:2, 301:7, 301:13, 301:16, 301:18, 301:19, 302:3, 352:22, 362:8, 397:1, 397:3, 397:7, 436:1, 436:18, 437:8, 437:14,	437:23, 440:1, 522:18, 529:22, 621:3, 684:17, 686:20, 700:19, 702:8, 729:1, 729:2, 730:19, 736:19, 745:12, 745:16, 759:14, 830:14 Range [27] - 2:16, 6:9, 6:17, 6:23, 31:24, 124:15, 150:23, 158:3, 158:14, 159:5, 427:12, 428:17, 428:21, 429:1, 429:9, 440:11, 442:13, 442:21, 443:3, 445:21, 445:23, 473:10, 477:13, 478:14, 690:4, 748:2, 748:15 Rangeley [37] - 31:25, 37:12, 46:19, 48:1, 48:25, 51:14, 53:8, 107:5, 107:10, 107:21, 132:8, 177:2, 221:4, 222:3, 227:8, 227:11, 463:17, 464:12, 499:6, 499:9, 525:20, 525:21, 530:21, 531:3, 533:24, 534:2, 534:22, 540:10, 540:13, 546:5, 548:1, 548:5, 548:7, 622:3, 847:1, 847:3, 890:4 ranger [1] - 50:15 ranges [6] - 17:19, 21:16, 21:18, 86:8, 482:9, 791:14
R						
<p>radar [36] - 234:25, 242:13, 243:5, 244:1, 302:9, 302:10, 302:15, 302:25, 303:1, 303:2, 303:3, 303:6, 303:8, 303:14, 303:15, 303:20, 303:24, 304:8, 304:10, 305:19, 306:10, 391:7, 391:16, 392:4, 392:8, 392:9,</p>						

<p>rank [2] - 734:4, 852:18</p> <p>ranked [2] - 165:15, 295:1</p> <p>Rapid [2] - 71:12, 783:4</p> <p>raping [1] - 517:16</p> <p>raptor [1] - 791:5</p> <p>raptors [1] - 67:1</p> <p>Rare [1] - 232:15</p> <p>rare [12] - 104:19, 130:13, 133:9, 236:19, 456:9, 491:17, 648:5, 742:5, 743:24, 758:1, 765:24, 800:21</p> <p>rarely [3] - 126:3, 748:12, 830:4</p> <p>rarest [3] - 727:25, 732:4, 742:7</p> <p>rarity [2] - 759:12, 760:22</p> <p>rash [1] - 490:16</p> <p>raspberries [1] - 729:25</p> <p>raspberry [1] - 730:8</p> <p>Raspberry [1] - 730:10</p> <p>ratcheting [5] - 264:6, 264:24, 265:4, 265:6, 343:19</p> <p>rate [27] - 49:23, 68:20, 76:21, 108:19, 146:16, 270:19, 303:17, 325:22, 332:3, 332:4, 337:2, 337:25, 423:15, 424:6, 425:17, 450:9, 581:4, 590:3, 733:25, 734:15, 826:25, 839:3, 839:7, 870:20, 870:21, 881:1,</p>	<p>882:21</p> <p>rated [10] - 322:11, 322:22, 323:1, 323:3, 323:5, 323:14, 664:4, 853:19, 871:24, 874:25</p> <p>rates [26] - 42:2, 49:20, 259:13, 338:13, 384:14, 404:2, 404:7, 404:13, 405:14, 405:21, 425:11, 425:12, 437:3, 481:19, 508:25, 581:2, 744:24, 791:6, 839:1, 868:7, 868:8, 868:9, 868:12, 868:13, 868:21, 868:23</p> <p>Rather [7] - 180:3, 461:12, 492:12, 528:25, 683:4, 740:10, 745:13</p> <p>rather [38] - 10:1, 97:9, 125:5, 125:7, 135:12, 148:21, 149:4, 150:19, 153:20, 241:24, 251:11, 267:7, 267:8, 282:18, 282:20, 341:2, 373:24, 373:25, 375:2, 381:1, 381:9, 381:14, 408:8, 408:10, 422:12, 422:19, 423:6, 456:15, 510:8, 515:10, 517:21, 528:14, 646:4, 681:25, 885:5, 887:19, 891:19</p> <p>rating [5] -</p>	<p>322:14, 323:4, 366:7, 366:15, 663:13</p> <p>ratings [1] - 663:10</p> <p>ratio [2] - 89:1, 659:10</p> <p>rational [3] - 55:20, 491:10, 516:14</p> <p>rationale [1] - 491:21</p> <p>Rattle [1] - 477:8</p> <p>raw [5] - 364:16, 365:3, 365:4, 365:5, 413:14</p> <p>Rawlings [1] - 562:5</p> <p>Ray [1] - 846:21</p> <p>reach [14] - 29:6, 85:19, 108:25, 169:4, 197:17, 410:17, 433:10, 571:11, 645:23, 825:13, 852:2, 864:15, 865:18, 884:21</p> <p>reached [8] - 84:21, 108:22, 364:18, 413:16, 432:8, 529:25, 530:5, 774:23</p> <p>reaches [1] - 800:25</p> <p>reaching [6] - 44:13, 94:18, 368:13, 499:21, 586:7, 790:6</p> <p>react [4] - 424:9, 424:15, 456:16</p> <p>reaction [1] - 92:21</p> <p>reactive [1] - 530:11</p> <p>read [81] - 2:2, 9:15, 32:17, 48:25, 55:25, 59:16, 69:2, 70:5, 73:17, 73:19,</p>	<p>76:4, 85:8, 85:16, 92:5, 123:2, 143:15, 153:25, 238:24, 269:24, 271:14, 292:3, 292:10, 314:21, 322:14, 375:10, 388:9, 388:10, 388:11, 392:2, 404:5, 444:5, 449:10, 459:7, 461:8, 462:20, 462:21, 480:24, 480:25, 496:22, 514:9, 528:9, 534:16, 539:3, 592:17, 594:2, 594:14, 594:22, 594:23, 624:5, 675:17, 706:6, 706:9, 708:2, 709:11, 709:12, 709:13, 711:12, 714:19, 749:5, 750:17, 750:18, 753:18, 759:3, 759:17, 764:8, 775:23, 796:12, 797:13, 797:19, 797:22, 798:6, 799:19, 799:24, 804:14, 804:16, 816:1, 858:18, 871:10, 874:18, 891:20, 893:3</p> <p>readily [3] - 44:25, 450:24, 550:10</p> <p>reading [18] - 61:2, 65:6, 73:9, 73:15, 170:8, 245:10, 295:4, 341:15, 344:1, 404:4, 459:4, 582:24, 599:11, 725:13,</p>	<p>750:11, 815:18, 830:21, 863:15</p> <p>readings [2] - 715:2, 715:6</p> <p>reads [2] - 481:3, 749:4</p> <p>ready [28] - 16:3, 23:17, 29:13, 140:17, 163:21, 190:4, 194:23, 198:2, 232:12, 252:22, 383:24, 387:18, 393:15, 426:7, 444:9, 512:13, 537:25, 550:9, 594:24, 646:25, 647:7, 670:22, 680:5, 680:6, 707:15, 749:5, 829:4, 867:6</p> <p>real [42] - 58:3, 94:4, 95:20, 108:12, 109:2, 111:11, 113:1, 121:5, 121:9, 138:15, 147:23, 270:13, 271:12, 271:22, 375:2, 451:12, 454:3, 469:2, 483:3, 500:12, 503:16, 506:23, 509:16, 528:12, 553:11, 553:15, 606:3, 606:7, 606:9, 608:19, 651:25, 662:14, 715:12, 725:21, 746:5, 802:14, 832:4, 834:25, 845:4, 847:2, 888:15</p> <p>realist [1] - 513:6</p> <p>realistic [2] - 26:23, 485:8</p> <p>realities [1] - 472:25</p>	<p>reality [11] - 27:11, 43:19, 53:3, 54:22, 63:17, 69:18, 78:19, 407:6, 472:14, 611:3, 611:5</p> <p>realization [2] - 446:17, 446:18</p> <p>realize [21] - 44:12, 61:10, 62:16, 66:8, 67:3, 70:13, 85:21, 257:10, 261:2, 268:13, 501:9, 513:18, 518:25, 526:14, 566:24, 568:15, 630:20, 630:21, 736:4, 859:4</p> <p>realized [3] - 445:18, 518:17, 862:2</p> <p>really [125] - 13:10, 32:3, 47:9, 66:2, 66:7, 90:24, 91:24, 96:22, 97:1, 113:4, 121:6, 122:9, 122:25, 123:15, 130:4, 133:14, 142:12, 142:25, 144:3, 144:24, 166:23, 167:7, 167:11, 171:17, 182:23, 183:16, 183:19, 183:21, 187:8, 192:23, 193:13, 194:12, 241:4, 244:7, 249:13, 256:11, 256:13, 256:23, 257:1, 259:2, 267:9, 269:25, 278:21, 289:20, 304:14, 326:7, 337:23, 344:6,</p>	<p>344:7, 355:8, 370:13, 378:5, 396:7, 398:6, 399:17, 424:16, 426:6, 448:7, 462:20, 471:25, 499:10, 503:3, 504:10, 506:19, 508:12, 510:21, 519:21, 520:8, 524:18, 541:23, 561:5, 562:18, 581:16, 584:21, 591:9, 602:14, 613:10, 628:10, 630:25, 648:10, 654:16, 657:7, 658:12, 660:16, 661:3, 661:8, 661:18, 661:20, 663:8, 664:19, 665:6, 665:21, 671:25, 672:22, 678:13, 690:7, 693:21, 694:5, 695:24, 696:17, 698:25, 719:23, 736:6, 736:7, 749:25, 757:12, 760:16, 764:5, 765:25, 792:10, 829:25, 833:18, 834:23, 838:2, 838:3, 840:14, 847:6, 849:8, 853:14, 854:19, 859:7, 860:16, 866:5, 866:8, 880:1</p> <p>realm [2] - 684:5, 819:23</p> <p>realtors [1] - 271:6</p> <p>rearrange [1] - 385:7</p> <p>reason [46] - 20:25, 37:13, 49:20, 139:3,</p>
--	---	--	---	--	--	---

<p>139:4, 150:22, 167:2, 167:17, 167:18, 185:12, 190:12, 190:20, 191:14, 263:20, 273:2, 300:12, 302:7, 304:13, 375:8, 379:5, 384:15, 390:7, 413:21, 445:25, 455:3, 460:4, 477:20, 539:4, 545:8, 545:12, 611:12, 627:18, 646:3, 660:19, 682:11, 683:22, 684:1, 699:3, 790:25, 861:7, 861:15, 862:21, 865:22, 868:15, 874:1, 878:22</p> <p>reasonable [16] - 17:12, 206:17, 278:18, 290:20, 359:14, 362:8, 363:18, 364:10, 445:3, 489:23, 647:16, 659:12, 660:14, 706:14, 814:1, 867:21</p> <p>reasonably [13] - 57:16, 170:14, 171:3, 172:5, 248:4, 394:9, 405:13, 428:8, 429:3, 534:22, 820:13, 892:17, 892:24</p> <p>reasoned [1] - 465:17</p> <p>reasons [41] - 13:10, 22:21, 24:14, 28:24, 52:5, 100:20, 127:12, 129:11, 144:18, 226:2, 229:23,</p>	<p>276:11, 291:9, 364:25, 403:19, 447:11, 458:24, 471:4, 513:20, 522:5, 530:1, 544:5, 573:12, 585:13, 605:5, 616:9, 620:20, 646:4, 658:3, 665:3, 669:25, 682:3, 682:8, 695:18, 696:10, 748:10, 834:23, 836:9, 851:12, 861:12, 886:22</p> <p>Rebecca [16] - 1:14, 78:7, 80:2, 80:4, 81:19, 155:5, 180:8, 210:17, 219:5, 332:17, 439:17, 592:22, 630:19, 664:18, 863:14</p> <p>rebuttal [5] - 4:1, 157:11, 251:19, 594:5, 892:2</p> <p>REC [6] - 436:7, 436:8, 436:20, 437:5, 437:10, 590:10</p> <p>receded [1] - 477:22</p> <p>receding [1] - 501:14</p> <p>receive [15] - 2:9, 155:12, 157:12, 161:17, 248:6, 316:22, 317:4, 317:6, 537:4, 537:5, 572:3, 590:1, 593:4, 887:14, 892:1</p> <p>received [6] - 150:7, 548:2, 589:16, 782:9, 807:23, 851:15</p> <p>receives [1] - 853:15</p>	<p>recent [19] - 55:24, 71:10, 316:18, 361:10, 391:8, 432:12, 432:24, 437:1, 438:7, 489:16, 490:16, 591:6, 742:19, 760:4, 778:23, 790:23, 842:19, 879:5</p> <p>Recent [1] - 822:7</p> <p>recently [26] - 84:24, 85:8, 85:16, 172:10, 197:12, 242:8, 305:12, 306:14, 415:10, 420:23, 476:16, 487:18, 505:5, 539:17, 552:15, 553:5, 555:17, 587:16, 640:24, 643:5, 681:9, 806:16, 818:19, 873:18, 889:10, 889:17</p> <p>receptors [1] - 648:10</p> <p>recess [1] - 592:5</p> <p>reciprocate [1] - 450:6</p> <p>reckless [1] - 447:22</p> <p>reckoning [1] - 514:13</p> <p>recognition [7] - 241:13, 321:23, 495:5, 600:7, 600:8, 821:22, 836:7</p> <p>recognizanc e [2] - 286:2, 286:6</p> <p>recognize [22] - 15:24, 21:7, 21:13, 95:13, 140:9, 202:19, 236:1, 255:13, 265:22, 293:5, 323:9, 448:1,</p>	<p>495:21, 497:3, 696:17, 706:12, 706:13, 745:7, 745:9, 795:17, 860:16, 890:6</p> <p>recognized [15] - 35:12, 52:6, 103:24, 104:19, 137:13, 175:14, 176:11, 258:3, 685:18, 685:21, 686:8, 741:8, 788:14, 791:2, 835:18</p> <p>recognizes [3] - 150:16, 461:14, 867:19</p> <p>recognizing [3] - 658:18, 658:25, 674:18</p> <p>recollection [1] - 672:11</p> <p>recommend [3] - 539:21, 796:7, 796:10</p> <p>recommend ation [7] - 399:9, 399:15, 456:14, 465:18, 466:7, 625:7, 626:6</p> <p>recommend ations [4] - 42:7, 398:23, 399:5, 495:18</p> <p>recommend ing [1] - 399:14</p> <p>recommend s [1] - 796:16</p> <p>reconcile [2] - 459:12, 807:3</p> <p>reconfigure d [1] - 347:15</p> <p>reconnect [1] - 395:13</p> <p>reconnecte d [1] - 395:22</p> <p>reconnectin g [1] - 395:3</p> <p>record [72] - 1:23, 1:25, 2:3, 3:8, 3:16, 3:22, 3:24, 4:4, 4:5, 4:6,</p>	<p>5:16, 10:22, 16:19, 20:16, 20:17, 44:21, 67:17, 75:15, 129:18, 155:3, 156:18, 157:1, 157:6, 157:9, 157:11, 157:22, 160:24, 162:16, 164:22, 165:2, 186:15, 208:22, 282:11, 318:16, 321:6, 349:16, 349:23, 359:25, 360:8, 363:3, 386:16, 408:25, 413:24, 416:11, 417:19, 417:21, 417:25, 428:10, 428:13, 433:14, 444:12, 455:6, 496:23, 530:6, 539:2, 592:17, 592:20, 594:4, 761:6, 780:8, 787:12, 792:22, 798:21, 840:15, 874:10, 875:24, 883:18, 889:7, 889:13, 891:21, 891:23, 892:4</p> <p>recorded [3] - 1:23, 156:24, 734:25</p> <p>recording [4] - 3:13, 444:14, 444:16, 798:2</p> <p>records [3] - 759:18, 759:25, 760:4</p> <p>recover [3] - 182:16, 459:20, 587:11</p> <p>recreating [1] - 257:9</p> <p>recreation</p>	<p>[23] - 11:20, 15:13, 15:16, 32:10, 102:24, 149:25, 168:24, 169:1, 169:3, 269:20, 475:16, 494:22, 545:5, 629:24, 630:14, 630:15, 641:2, 747:5, 748:18, 749:12, 775:9, 775:14, 775:16</p> <p>Recreation [1] - 255:9</p> <p>recreation- based [1] - 269:20</p> <p>recreational [19] - 68:17, 94:11, 108:23, 148:15, 228:6, 228:8, 255:13, 344:24, 345:2, 375:5, 490:25, 495:14, 545:13, 610:21, 686:8, 740:9, 803:5, 889:18, 891:7</p> <p>RECs [14] - 435:1, 436:22, 834:13, 834:17, 834:23, 839:16, 840:5, 840:6, 864:1, 864:3, 864:6, 864:10, 872:12, 878:16</p> <p>recycle [2] - 65:16, 567:19</p> <p>recycled [1] - 65:18</p> <p>red [14] - 197:12, 221:10, 238:19, 406:17, 517:2, 525:1, 666:14, 671:10, 673:3, 708:12, 708:15, 716:10, 796:11, 826:14</p> <p>Red [1] -</p>	<p>540:10</p> <p>Redington [338] - 2:11, 2:16, 2:19, 6:8, 6:9, 6:17, 6:19, 6:23, 10:10, 10:16, 13:7, 17:4, 21:14, 21:15, 23:7, 23:12, 23:23, 31:25, 36:16, 36:18, 37:1, 41:13, 42:4, 43:17, 43:19, 43:22, 44:9, 44:13, 45:3, 56:7, 57:9, 59:9, 63:21, 73:20, 73:24, 74:4, 75:8, 78:13, 82:1, 84:10, 86:4, 86:5, 87:17, 94:24, 98:15, 103:24, 104:8, 106:21, 110:10, 124:15, 137:23, 137:25, 147:16, 150:23, 155:14, 158:3, 158:4, 158:14, 158:19, 159:5, 165:6, 171:2, 172:3, 172:4, 174:3, 175:25, 176:12, 176:23, 177:17, 178:7, 178:19, 179:16, 182:9, 196:19, 197:15, 199:18, 224:8, 226:11, 231:8, 232:6, 232:11, 251:10, 253:11, 257:15, 258:5, 258:6, 258:15, 258:20, 258:24, 258:25, 259:4, 259:9, 259:17, 259:21, 260:12, 261:5, 261:20, 261:25, 264:3, 264:21,</p>
--	---	--	--	---	---	---

264:25, 272:14, 273:22, 277:7, 277:24, 278:2, 281:4, 289:10, 290:14, 290:15, 290:16, 290:18, 290:21, 290:25, 298:7, 298:12, 299:6, 303:18, 304:25, 305:4, 311:8, 314:9, 315:5, 317:17, 317:25, 323:20, 335:23, 336:17, 338:16, 339:12, 341:5, 342:4, 342:23, 343:18, 347:17, 347:22, 348:4, 348:14, 348:22, 349:14, 349:20, 350:14, 351:1, 356:12, 359:11, 372:23, 374:19, 381:17, 383:9, 383:12, 389:3, 391:7, 400:9, 401:14, 401:16, 402:23, 403:11, 403:25, 404:7, 404:18, 411:11, 417:6, 427:11, 427:19, 428:16, 428:17, 428:21, 428:25, 429:8, 439:18, 439:20, 440:1, 440:2, 440:11, 442:13, 442:14, 442:21, 442:24, 443:3, 445:12, 445:21, 445:23,	446:11, 446:19, 456:19, 464:4, 464:22, 466:3, 471:17, 473:10, 476:16, 477:12, 477:13, 478:15, 478:22, 481:4, 482:9, 489:2, 489:5, 490:4, 490:10, 490:21, 491:8, 494:8, 495:6, 495:21, 499:15, 527:24, 530:18, 536:10, 544:5, 549:8, 554:6, 554:21, 559:24, 560:2, 560:8, 570:14, 570:15, 574:19, 574:23, 576:4, 579:2, 582:11, 593:6, 598:1, 598:8, 606:23, 606:25, 607:11, 631:23, 633:24, 634:3, 634:6, 634:7, 634:9, 646:11, 664:13, 678:25, 679:1, 687:12, 687:13, 688:10, 688:12, 688:14, 688:21, 689:4, 689:15, 689:16, 690:1, 690:3, 690:4, 697:1, 697:14, 697:24, 712:4, 714:13, 714:24, 716:1, 716:7, 716:8, 718:10, 718:13, 722:21, 732:7, 734:11, 741:5, 741:15, 741:23, 741:25, 742:10,	742:11, 742:18, 742:19, 742:20, 742:24, 743:13, 744:24, 745:2, 745:17, 745:22, 746:2, 748:20, 758:11, 761:24, 771:22, 771:24, 772:5, 772:13, 773:7, 775:8, 775:18, 780:4, 800:20, 801:3, 805:4, 808:19, 810:5, 810:8, 810:10, 810:12, 810:18, 810:21, 810:24, 811:1, 811:5, 811:8, 811:13, 812:8, 816:14, 816:16, 816:19, 818:6, 820:8, 820:13, 821:11, 821:24, 822:4, 824:7, 824:23, 825:18, 827:13, 827:20, 828:25, 836:25, 838:22, 841:14, 853:21, 855:8, 874:14, 875:13, 876:9, 881:21 Redington's [2] - 429:12, 809:15 Redington/ Black [12] - 171:5, 172:20, 173:25, 430:4, 455:21, 457:11, 493:6, 521:22, 534:18, 547:22, 582:8, 640:23 Redington/ Rangeley [1] - 631:23	redirect [1] - 384:1 redirects [1] - 383:22 reduce [60] - 12:10, 42:12, 54:25, 55:9, 87:11, 112:18, 120:10, 120:22, 121:1, 152:11, 152:23, 164:7, 164:11, 171:5, 172:23, 173:22, 199:17, 236:7, 262:12, 262:14, 265:25, 266:2, 266:4, 276:9, 278:1, 281:14, 282:1, 291:5, 339:15, 379:22, 427:7, 429:5, 429:6, 429:7, 436:2, 471:5, 475:19, 495:12, 564:23, 564:24, 567:19, 575:22, 649:21, 649:25, 670:5, 671:23, 673:19, 691:14, 737:19, 811:24, 857:3, 859:15, 866:15, 867:3, 872:10, 874:7, 884:2 Reduce [1] - 127:10 reduced [16] - 7:5, 55:12, 159:13, 381:3, 393:22, 394:2, 429:4, 429:22, 443:11, 572:2, 576:16, 597:5, 794:1, 800:13, 811:22, 818:12 Reduced [1] - 429:4 reduces [2] - 183:3, 356:15 reducing [16]	- 26:7, 26:8, 66:20, 134:13, 258:25, 264:3, 265:12, 348:1, 402:8, 402:10, 429:22, 462:17, 597:14, 681:24, 694:16, 857:5 Reducing [1] - 576:18 reduction [32] - 48:12, 87:18, 151:17, 168:16, 168:17, 168:20, 168:21, 170:17, 258:20, 265:2, 265:7, 266:2, 277:17, 278:7, 279:3, 281:13, 348:12, 348:16, 348:21, 356:2, 356:12, 356:13, 379:18, 380:7, 402:11, 417:15, 417:23, 471:6, 528:14, 576:6, 576:19, 842:1 reductions [11] - 259:12, 265:14, 277:25, 372:21, 379:25, 380:1, 402:4, 405:23, 425:24, 428:11, 868:6 Reed [2] - 33:22 reelection [1] - 17:2 reemitted [1] - 856:17 reevaluation [1] - 466:10 refer [16] - 262:10, 299:6, 339:1, 347:19, 360:4, 360:21, 388:2, 400:8, 415:17, 415:24, 594:22,	600:25, 654:24, 810:10, 831:22, 832:14 reference [15] - 315:8, 357:17, 361:21, 400:5, 414:20, 450:2, 616:18, 626:1, 638:4, 677:20, 679:22, 715:20, 750:16, 759:21, 843:1 referenced [10] - 269:23, 388:4, 415:18, 416:18, 417:18, 435:13, 626:25, 627:3, 639:5, 780:18 references [2] - 361:15, 369:8 referencing [1] - 361:22 referred [11] - 261:16, 317:1, 357:24, 374:24, 375:22, 573:8, 605:20, 635:11, 809:19, 845:10, 886:1 referring [21] - 191:4, 292:24, 293:1, 293:5, 306:22, 332:14, 332:23, 356:8, 398:6, 419:19, 625:10, 637:25, 761:19, 762:10, 762:15, 763:19, 780:21, 808:23, 810:12, 845:12 Referring [2] - 375:17, 762:1 refers [1] - 810:8	refine [1] - 361:19 reflect [7] - 248:2, 269:20, 365:25, 367:16, 459:8, 465:17, 798:21 reflected [1] - 240:3 reflecting [1] - 72:14 reflection [2] - 481:13, 498:10 reflections [1] - 422:4 reflects [1] - 247:21 refrained [1] - 506:15 refresh [2] - 672:11, 783:13 refrigeratio n [2] - 449:1, 449:5 refrigeratio n's [1] - 449:5 refused [1] - 464:14 refuted [1] - 691:15 refuting [1] - 37:23 regard [9] - 204:11, 258:23, 389:20, 437:25, 461:22, 597:2, 612:6, 662:6, 808:24 regarded [1] - 151:1 regarding [20] - 51:25, 73:20, 73:24, 106:19, 147:15, 162:4, 203:22, 241:4, 316:23, 317:5, 389:2, 398:2, 406:6, 449:16, 498:7, 535:19, 802:10, 832:23, 833:16, 890:18 Regardless
--	---	---	--	--	---	---

<p>[2] - 42:4, 461:2</p> <p>regardless</p> <p>[2] - 457:9, 670:1</p> <p>regards [3] - 630:9, 668:11, 795:25</p> <p>regenerate</p> <p>[4] - 213:14, 213:25, 214:19, 383:13</p> <p>regenerated</p> <p>[1] - 794:23</p> <p>regeneratin</p> <p>g [1] - 729:23</p> <p>regeneratio</p> <p>n [3] - 214:2, 214:19, 215:7</p> <p>Regeneratio</p> <p>n [1] - 214:4</p> <p>regime [5] - 192:20, 194:6, 264:18, 578:14, 626:9</p> <p>regimes [2] - 351:2, 351:11</p> <p>region [56] - 37:12, 48:1, 61:14, 103:6, 107:10, 122:24, 123:7, 124:5, 124:13, 169:2, 357:22, 358:12, 366:14, 366:19, 377:2, 400:8, 447:8, 453:7, 455:21, 484:8, 487:17, 488:4, 488:20, 489:19, 497:9, 497:12, 497:15, 501:12, 508:25, 522:3, 523:22, 523:23, 530:15, 540:13, 561:21, 588:3, 654:9, 677:3, 685:15, 732:4, 741:2, 741:6, 741:19, 741:23, 742:15, 744:5, 748:24, 791:6, 791:22,</p>	<p>791:24, 798:11, 800:16, 854:12, 885:13, 885:17, 886:19</p> <p>region's [2] - 259:1, 432:5</p> <p>regional [19] - 103:22, 229:2, 232:20, 357:10, 357:18, 358:8, 359:3, 402:1, 405:8, 415:24, 456:14, 522:1, 529:17, 529:22, 540:20, 819:9, 819:14, 860:10, 883:1</p> <p>Regional [5] - 357:25, 388:22, 819:8, 858:18, 882:10</p> <p>regionally [1] - 541:10</p> <p>regions [14] - 31:9, 72:10, 77:24, 277:11, 489:16, 497:2, 501:10, 531:3, 683:16, 722:14, 791:25, 802:18, 812:25, 878:19</p> <p>regions' [1] - 175:12</p> <p>registered [6] - 122:23, 220:4, 463:18, 474:18, 544:3, 552:19</p> <p>regret [2] - 73:23, 457:5</p> <p>regrets [1] - 480:24</p> <p>regrowth [1] - 209:10</p> <p>regs [1] - 731:2</p> <p>regular [4] - 62:8, 466:13, 534:15, 757:2</p> <p>regularly [1] - 729:15</p>	<p>regulate [6] - 464:10, 611:15, 612:8, 857:16, 859:7, 872:4</p> <p>Regulate [1] - 495:9</p> <p>regulated [8] - 236:9, 290:9, 403:21, 405:2, 711:3, 753:24, 859:11, 872:2</p> <p>regulating</p> <p>[5] - 89:23, 263:8, 293:14, 612:6, 789:12</p> <p>regulation</p> <p>[5] - 85:1, 320:4, 738:14, 858:15, 872:6</p> <p>Regulation</p> <p>[8] - 1:4, 1:11, 73:20, 457:12, 464:6, 474:12, 498:1, 737:14</p> <p>regulations</p> <p>[23] - 175:24, 220:11, 220:24, 251:3, 319:4, 326:17, 332:18, 461:23, 464:9, 464:19, 464:23, 485:21, 510:19, 627:6, 674:18, 675:11, 675:13, 675:15, 675:23, 679:19, 679:20, 770:8, 872:5</p> <p>regulators</p> <p>[2] - 206:8, 258:2</p> <p>regulatory</p> <p>[6] - 431:12, 498:2, 626:9, 627:5, 686:6, 818:1</p> <p>Regulatory</p> <p>[3] - 84:24, 437:2, 588:18</p> <p>reidentified</p> <p>[1] - 760:1</p> <p>reinforce [2] - 452:23, 464:22</p>	<p>reiterate [2] - 129:20, 157:7</p> <p>reiterated [1] - 114:7</p> <p>reiterates [2] - 464:10, 891:21</p> <p>reject [4] - 72:18, 96:9, 531:1, 738:1</p> <p>rejected [2] - 172:1, 351:24</p> <p>rejection [1] - 563:21</p> <p>relate [9] - 86:19, 94:23, 336:5, 357:9, 357:18, 493:12, 619:19, 651:7, 887:19</p> <p>related [26] - 57:23, 66:20, 96:8, 196:1, 203:22, 228:18, 233:24, 246:1, 334:5, 360:13, 369:23, 388:5, 390:12, 602:13, 602:15, 609:24, 626:2, 666:1, 722:1, 740:22, 779:8, 782:21, 789:24, 826:15, 837:12, 845:9</p> <p>relates [6] - 360:11, 360:20, 371:22, 382:22, 581:6, 630:17</p> <p>relating [4] - 219:10, 252:24, 774:16, 783:5</p> <p>relation [4] - 474:5, 655:11, 803:21, 804:6</p> <p>relations [1] - 11:8</p> <p>relationship</p> <p>[7] - 182:6, 240:12, 250:16, 282:5, 664:4, 686:15, 706:4</p>	<p>relationship</p> <p>s [2] - 253:9, 599:20</p> <p>relative [9] - 221:20, 221:22, 222:6, 225:4, 258:12, 340:5, 408:7, 452:12, 733:20</p> <p>Relatively [2] - 313:8, 313:9</p> <p>relatively [16] - 63:14, 94:16, 144:16, 193:3, 232:25, 235:7, 245:5, 251:23, 289:24, 295:13, 303:17, 305:11, 354:2, 535:3, 535:15, 791:24</p> <p>relatives [1] - 492:19</p> <p>relax [3] - 133:8, 484:25, 527:2</p> <p>relay [1] - 515:22</p> <p>relayed [2] - 128:17, 650:24</p> <p>release [9] - 517:6, 787:4, 787:7, 787:16, 787:21, 787:24, 797:8, 797:15, 797:19</p> <p>relegated [1] - 482:4</p> <p>relevance [7] - 360:1, 363:5, 363:17, 364:8, 369:16, 372:20, 594:20</p> <p>relevant [23] - 3:20, 155:24, 157:2, 159:22, 160:6, 162:5, 235:3, 247:4, 345:17, 345:20, 346:10, 355:6, 362:23, 363:9, 448:9, 512:2, 593:25, 594:20, 694:5,</p>	<p>728:2, 732:14, 807:10, 839:5</p> <p>reliability [7] - 257:25, 259:1, 259:22, 369:23, 874:15, 888:13</p> <p>reliable [3] - 43:11, 109:11, 388:24</p> <p>reliance [3] - 509:10, 686:2, 824:1</p> <p>relied [2] - 789:15, 793:3</p> <p>relieve [2] - 12:6, 531:19</p> <p>religious [1] - 737:2</p> <p>relocations</p> <p>[1] - 233:18</p> <p>reluctance</p> <p>[2] - 365:1, 495:17</p> <p>reluctant [1] - 394:23</p> <p>rely [6] - 255:11, 363:19, 363:22, 451:22, 494:24, 635:2</p> <p>relying [8] - 207:6, 213:10, 300:14, 362:2, 362:6, 362:16, 421:18, 793:5</p> <p>remain [18] - 3:24, 28:16, 29:8, 51:10, 104:17, 151:4, 441:8, 494:15, 535:4, 603:12, 653:1, 653:6, 683:17, 823:16, 837:10, 872:4, 891:23</p> <p>remaining [3] - 94:14, 594:4, 822:13</p> <p>remains [6] - 1:8, 40:7, 231:1, 535:3, 623:15, 623:16</p> <p>remarkable</p> <p>[1] - 718:15</p> <p>remarkably</p>	<p>[1] - 37:21</p> <p>remarking [1] - 769:21</p> <p>remarks [5] - 239:13, 239:14, 459:22, 578:24, 784:23</p> <p>remember</p> <p>[26] - 2:1, 4:19, 18:15, 141:22, 390:17, 467:2, 529:1, 562:4, 562:7, 579:22, 628:19, 633:7, 639:9, 701:9, 716:7, 739:20, 758:18, 758:19, 791:8, 834:12, 843:16, 869:10, 871:7, 871:8, 873:20</p> <p>remembere</p> <p>d [4] - 4:21, 71:22, 546:24, 547:8</p> <p>remembers</p> <p>[1] - 166:15</p> <p>Remind [1] - 782:17</p> <p>remind [11] - 3:18, 4:10, 85:17, 154:1, 335:9, 523:23, 535:5, 594:15, 630:23, 707:5, 828:16</p> <p>reminded [5] - 72:24, 83:6, 83:11, 97:7, 548:5</p> <p>reminder [2] - 444:14, 459:5</p> <p>reminding</p> <p>[1] - 386:11</p> <p>remote [25] - 74:9, 106:6, 429:6, 430:16, 456:12, 488:20, 496:25, 497:11, 501:25, 598:3, 615:7, 615:9, 697:4, 702:11, 702:13, 702:14,</p>
--	--	---	--	---	---	--

<p>702:24, 702:25, 747:11, 747:15, 747:23, 748:17, 748:23, 749:12, 749:15</p> <p>remoteness [11] - 463:22, 492:23, 526:1, 596:22, 616:2, 623:14, 623:15, 697:6, 697:17, 775:13, 775:15</p> <p>removal [5] - 477:25, 511:17, 691:22, 732:9, 766:12</p> <p>remove [6] - 27:20, 144:22, 214:10, 311:6, 586:8, 719:3</p> <p>removed [4] - 77:18, 343:5, 461:5, 733:3</p> <p>removes [1] - 461:3</p> <p>removing [8] - 173:7, 265:15, 347:14, 347:16, 348:1, 518:17, 619:8, 722:13</p> <p>render [1] - 848:25</p> <p>rendered [1] - 326:18</p> <p>renegotiate [1] - 438:16</p> <p>renew [2] - 359:25, 519:1</p> <p>Renewable [4] - 272:9, 277:6, 405:18, 821:20</p> <p>renewable [209] - 12:4, 15:23, 15:24, 17:7, 19:15, 20:1, 22:15, 26:6, 39:14, 40:10, 58:17, 59:19, 59:23, 59:25, 62:19,</p>	<p>68:7, 85:12, 85:24, 86:15, 87:19, 88:14, 88:23, 99:5, 100:24, 101:5, 109:9, 152:18, 164:4, 165:7, 168:15, 168:20, 169:9, 170:16, 181:20, 182:17, 182:24, 187:11, 188:9, 236:25, 256:25, 260:7, 261:1, 261:24, 262:23, 264:9, 266:3, 272:6, 272:7, 272:11, 272:13, 272:15, 272:17, 272:20, 272:24, 273:4, 273:6, 273:12, 273:19, 273:20, 274:1, 274:5, 274:8, 274:11, 274:15, 274:17, 274:19, 274:21, 274:23, 275:6, 275:11, 276:14, 276:25, 280:8, 281:16, 281:17, 281:18, 282:1, 341:6, 405:23, 407:25, 409:12, 409:24, 410:1, 423:18, 423:22, 427:22, 431:7, 431:25, 432:5, 432:12, 432:17, 432:21, 433:3, 435:1, 435:2, 447:19, 471:5, 472:5, 475:1, 476:1, 476:17, 479:6, 484:4, 490:8, 490:22, 505:17, 513:18, 544:20,</p>	<p>554:14, 554:25, 565:1, 569:5, 577:14, 585:19, 588:24, 739:23, 784:3, 784:7, 814:11, 817:4, 817:10, 817:17, 817:25, 818:14, 818:16, 818:21, 818:23, 819:3, 819:6, 819:10, 819:13, 820:17, 820:25, 821:6, 821:9, 823:24, 837:18, 837:24, 839:8, 842:21, 843:5, 843:14, 843:15, 843:16, 846:13, 852:4, 852:6, 852:17, 852:19, 855:10, 855:12, 855:14, 855:21, 856:1, 856:3, 856:4, 856:6, 856:7, 856:9, 856:10, 856:23, 857:1, 857:4, 859:1, 859:2, 860:20, 861:23, 863:22, 863:23, 864:3, 864:7, 864:10, 864:18, 864:23, 865:3, 865:19, 865:23, 866:2, 866:12, 872:19, 872:21, 873:2, 873:6, 876:15, 876:16, 878:4, 878:6, 878:16, 878:17, 879:2, 879:3, 879:8, 879:22, 879:23, 880:7, 880:20, 881:14, 883:23</p> <p>Renewables [1] - 563:17</p>	<p>renewables [5] - 264:19, 432:25, 563:17, 819:4, 834:20</p> <p>renovating [1] - 532:5</p> <p>renown [1] - 176:6</p> <p>reoccur [1] - 214:3</p> <p>reopen [1] - 873:19</p> <p>repair [1] - 310:8</p> <p>repeat [5] - 26:24, 325:13, 358:4, 372:10, 833:15</p> <p>repeated [3] - 373:21, 595:25, 610:11</p> <p>repeats [2] - 101:22, 130:9</p> <p>repertory [1] - 485:11</p> <p>repetitious [3] - 3:21, 157:4, 223:24</p> <p>repetitive ss [1] - 454:15</p> <p>replace [6] - 98:20, 184:20, 199:6, 214:11, 253:10, 310:9</p> <p>replaceable [1] - 447:21</p> <p>replaced [1] - 655:19</p> <p>replacement [1] - 804:17</p> <p>replant [2] - 211:13, 464:17</p> <p>replanting [1] - 214:22</p> <p>replicate [1] - 606:13</p> <p>replicated [1] - 241:21</p> <p>replied [1] - 31:21</p> <p>Report [1] - 42:5</p> <p>report [62] - 108:10, 108:19, 157:21, 259:14,</p>	<p>259:18, 265:20, 271:18, 285:6, 285:18, 305:21, 314:13, 316:19, 318:3, 322:7, 322:10, 322:19, 325:25, 336:24, 360:21, 361:3, 361:5, 362:19, 364:24, 365:5, 373:20, 380:20, 380:21, 401:13, 415:13, 419:5, 425:13, 604:13, 662:3, 662:20, 662:23, 677:22, 677:24, 700:11, 702:4, 730:17, 730:20, 732:18, 755:21, 766:14, 785:13, 785:14, 786:11, 787:15, 789:10, 789:22, 791:4, 832:21, 833:2, 833:13, 849:20, 855:4, 879:5, 884:23, 884:24, 884:25</p> <p>reported [10] - 53:10, 87:3, 285:8, 678:23, 755:3, 778:10, 831:5, 833:9, 845:20, 849:24</p> <p>reporter [10] - 1:22, 1:24, 3:17, 156:25, 444:13, 512:11, 566:6, 593:23, 680:3, 893:10</p> <p>reporting [3] - 416:15, 416:17, 833:2</p> <p>reports [9] -</p>	<p>361:6, 361:8, 364:19, 677:21, 700:2, 773:11, 777:24, 791:5, 830:21</p> <p>repowering [2] - 578:4, 586:4</p> <p>represent [36] - 3:11, 16:21, 38:16, 55:5, 76:9, 144:12, 144:14, 145:5, 145:15, 156:22, 196:16, 197:16, 233:17, 249:21, 268:23, 274:16, 411:4, 467:2, 483:19, 596:5, 596:9, 609:16, 637:15, 646:1, 662:17, 663:6, 672:20, 678:15, 736:9, 744:22, 752:10, 816:20, 817:6, 829:12, 840:2, 841:8</p> <p>representati on [2] - 710:21, 736:1</p> <p>representati ons [4] - 31:16, 187:6, 597:2, 787:1</p> <p>representati ve [3] - 196:24, 464:14, 474:20</p> <p>representati vely [1] - 693:6</p> <p>representati ves [5] - 13:2, 22:1, 31:19, 156:4, 443:21</p> <p>represented [3] - 196:15, 393:11, 661:25</p> <p>representin g [16] - 90:19, 100:13, 186:14,</p>	<p>190:14, 197:2, 209:11, 283:24, 373:8, 496:4, 506:18, 525:4, 534:2, 551:2, 595:21, 675:9, 820:19</p> <p>represents [12] - 74:1, 198:15, 199:8, 231:23, 234:4, 236:25, 241:20, 252:13, 256:9, 268:24, 272:10</p> <p>relieve [2] - 150:7, 150:8</p> <p>reproduce [2] - 66:12, 241:18</p> <p>Republic [1] - 760:24</p> <p>reputation [2] - 464:8, 549:22</p> <p>request [20] - 3:14, 162:14, 344:15, 360:6, 363:12, 363:14, 363:16, 386:2, 450:16, 464:21, 483:18, 494:7, 534:18, 593:6, 728:3, 746:10, 782:6, 782:7, 782:9, 815:11</p> <p>requested [2] - 674:24, 846:21</p> <p>requesting [3] - 95:8, 106:20, 389:6</p> <p>requests [2] - 728:10, 871:3</p> <p>require [35] - 42:19, 48:17, 107:23, 109:12, 120:18, 135:14, 167:22, 195:6, 237:15, 248:3, 258:16, 306:10, 321:23, 346:7, 353:20, 370:25,</p>
--	--	--	--	---	--	---

<p>377:21, 401:18, 424:8, 459:21, 477:24, 478:25, 485:4, 498:14, 514:21, 578:12, 578:16, 647:21, 651:4, 655:13, 655:14, 729:16, 762:16, 762:21, 883:12</p> <p>required [22] - 3:8, 7:18, 156:18, 160:2, 278:17, 326:1, 326:8, 332:19, 339:25, 464:17, 480:2, 486:18, 650:24, 674:24, 701:1, 755:25, 768:15, 771:16, 849:20, 887:7, 892:13</p> <p>requirement [7] - 272:22, 437:11, 590:5, 590:11, 627:6, 711:2, 888:20</p> <p>requirement s [12] - 174:1, 175:10, 175:12, 435:3, 498:5, 498:7, 510:18, 564:6, 618:5, 631:1, 710:7, 888:14</p> <p>requires [11] - 87:6, 135:11, 137:4, 301:23, 378:9, 482:8, 498:21, 515:8, 728:4, 857:9, 857:11</p> <p>requiring [3] - 285:21, 481:7, 740:24</p> <p>reread [1] - 671:15</p> <p>resale [1] - 147:24</p> <p>rescale [1] - 811:19</p>	<p>Rescued [1] - 33:1</p> <p>Research [1] - 826:21</p> <p>research [25] - 61:2, 63:16, 104:3, 143:23, 143:24, 144:1, 270:15, 295:17, 451:12, 484:22, 530:8, 552:8, 630:13, 630:16, 683:12, 772:9, 772:10, 772:13, 793:4, 793:5, 799:17, 833:22, 833:24, 869:20</p> <p>researched [1] - 254:10</p> <p>researchers [1] - 406:9</p> <p>reseed [1] - 217:13</p> <p>resemblanc e [1] - 19:10</p> <p>resemble [2] - 619:15, 620:16</p> <p>resembled [2] - 620:1, 620:4</p> <p>reservation s [1] - 25:12</p> <p>reserve [3] - 321:15, 888:14, 888:20</p> <p>reserved [1] - 671:2</p> <p>Reservoir [1] - 529:1</p> <p>reside [4] - 67:21, 527:15, 527:19, 599:22</p> <p>residence [6] - 3:9, 75:15, 133:19, 156:18, 444:12, 534:22</p> <p>residences [1] - 695:15</p> <p>resident [20] - 37:8, 51:14, 71:7, 106:25,</p>	<p>130:3, 149:19, 234:11, 236:19, 255:6, 468:4, 471:1, 513:15, 534:2, 543:25, 544:4, 552:2, 556:23, 557:17, 723:15, 735:10</p> <p>residential [3] - 53:21, 481:19, 838:23</p> <p>residents [15] - 48:16, 51:22, 53:8, 96:1, 108:1, 108:16, 475:8, 478:11, 499:1, 529:20, 531:11, 736:24, 816:21, 827:17, 847:15</p> <p>resistant [1] - 218:4</p> <p>resiting [1] - 761:17</p> <p>resolution [7] - 371:15, 606:10, 606:15, 660:19, 660:20, 660:22, 661:3</p> <p>resolutions [1] - 606:12</p> <p>resolve [1] - 370:25</p> <p>resolved [2] - 187:3, 371:3</p> <p>resolving [1] - 258:4</p> <p>resort [1] - 15:3</p> <p>resorts [1] - 636:5</p> <p>resoundingl y [1] - 48:22</p> <p>resource [72] - 11:23, 13:12, 13:14, 26:7, 32:9, 43:20, 66:9, 86:15, 88:24, 131:3, 140:6, 140:8, 166:2, 166:4, 167:12,</p>	<p>171:17, 257:25, 272:11, 274:25, 353:18, 402:10, 407:5, 408:13, 428:20, 429:7, 430:16, 431:7, 445:18, 445:20, 445:23, 447:20, 461:12, 475:1, 477:21, 544:9, 575:7, 585:19, 598:24, 600:7, 629:6, 681:7, 686:5, 686:10, 694:23, 694:24, 695:17, 706:22, 717:14, 744:14, 744:24, 744:25, 745:2, 745:5, 747:16, 748:22, 750:22, 750:25, 812:15, 812:17, 813:23, 814:2, 814:3, 818:12, 819:1, 819:16, 820:6, 822:16, 843:7, 843:11, 853:8, 872:19, 886:25</p> <p>Resource [8] - 459:23, 493:17, 552:17, 552:18, 554:2, 555:8, 566:18, 742:6</p> <p>resource- based [1] - 544:9</p> <p>Resources [10] - 62:9, 73:22, 82:25, 344:14, 344:21, 409:23, 426:17, 783:25, 796:25, 805:11</p>	<p>resources [105] - 11:18, 11:19, 13:19, 14:13, 16:22, 45:15, 50:8, 68:2, 68:7, 69:18, 80:11, 95:15, 121:19, 121:20, 121:22, 121:23, 121:25, 168:15, 174:4, 174:7, 203:19, 221:6, 228:6, 228:22, 228:25, 248:5, 273:6, 285:5, 286:11, 313:13, 319:20, 341:6, 344:24, 345:2, 355:6, 417:20, 432:5, 433:3, 447:20, 458:14, 463:11, 463:23, 476:1, 481:11, 483:22, 484:4, 495:25, 496:11, 504:15, 526:16, 526:25, 543:18, 565:1, 598:2, 599:2, 613:13, 618:9, 628:8, 628:14, 628:17, 628:19, 628:22, 629:4, 629:13, 682:17, 683:6, 683:8, 686:17, 694:12, 696:1, 696:12, 705:25, 706:4, 711:3, 722:23, 728:12, 740:6, 740:16, 740:17, 740:18, 740:21, 747:5, 749:9, 749:13, 750:19, 785:7, 810:22, 819:6, 820:2, 821:6, 827:22, 842:21, 843:5, 843:14,</p>	<p>843:15, 843:16, 850:8, 851:2, 851:24, 852:10, 852:17, 852:19, 855:16, 855:19, 855:24</p> <p>respect [47] - 35:18, 45:14, 48:20, 60:21, 60:23, 80:16, 91:5, 118:11, 118:17, 122:20, 130:22, 183:13, 205:25, 207:11, 259:16, 309:19, 309:20, 314:18, 314:20, 327:10, 358:14, 360:7, 362:2, 363:5, 367:23, 389:5, 390:2, 390:3, 390:4, 390:10, 392:18, 405:22, 415:10, 417:6, 459:1, 485:3, 517:19, 575:17, 613:11, 687:11, 706:21, 773:14, 791:21, 793:17, 839:16, 871:18, 875:10</p> <p>Respect [1] - 122:20</p> <p>respected [3] - 203:3, 406:23, 575:19</p> <p>respectful [1] - 100:7</p> <p>respectfully [1] - 56:23</p> <p>respecting [1] - 35:17</p> <p>respiratory [2] - 44:5,</p>	<p>64:21</p> <p>respond [9] - 219:20, 363:1, 364:15, 371:20, 387:21, 423:25, 424:1, 788:6, 867:13</p> <p>responded [5] - 8:12, 160:25, 248:13, 363:16, 704:13</p> <p>responding [6] - 246:9, 319:2, 427:8, 705:25, 768:13, 838:4</p> <p>responds [1] - 95:1</p> <p>response [17] - 8:4, 87:17, 160:12, 178:25, 235:22, 293:11, 358:18, 363:2, 422:24, 631:25, 698:24, 706:14, 706:18, 769:25, 800:6, 807:4, 871:10</p> <p>responses [4] - 486:7, 674:22, 701:5, 871:2</p> <p>responsibili ties [2] - 613:3, 789:12</p> <p>responsibili ty [26] - 79:14, 79:24, 120:18, 120:19, 121:2, 121:8, 127:13, 178:15, 200:19, 255:17, 358:16, 358:17, 369:19, 427:10, 475:23, 600:3, 612:25, 625:6, 642:7, 650:22, 751:19, 752:16, 835:5, 835:12,</p>
---	--	--	---	---	---	--

<p>835:17, 862:10</p> <p>Responsibility [1] - 705:4</p> <p>responsible [20] - 10:8, 11:2, 11:5, 11:8, 11:10, 11:12, 42:16, 163:25, 164:25, 178:9, 200:24, 275:17, 330:6, 472:22, 473:4, 483:10, 538:21, 564:21, 669:1, 798:16</p> <p>responsive [1] - 589:1</p> <p>rest [22] - 44:1, 87:4, 91:13, 96:23, 101:21, 184:3, 185:1, 185:17, 246:6, 280:7, 300:15, 341:19, 341:25, 342:20, 358:6, 424:23, 522:21, 547:7, 574:20, 707:9, 751:7, 820:4</p> <p>restate [3] - 269:8, 340:22, 832:15</p> <p>restaurant [3] - 256:14, 267:12, 546:19</p> <p>Restaurants [1] - 544:9</p> <p>restaurants [6] - 45:22, 48:2, 94:6, 254:8, 254:21, 547:16</p> <p>restful [1] - 53:11</p> <p>resting [1] - 301:12</p> <p>restore [1] - 46:10</p> <p>restored [1] - 394:6</p> <p>restricted [1] - 738:14</p> <p>restriction [1] - 241:14</p>	<p>restrictions [2] - 46:14, 125:11</p> <p>Restructuring [1] - 819:2</p> <p>restructuring [2] - 358:22, 358:25</p> <p>rests [1] - 599:19</p> <p>result [30] - 18:1, 42:14, 95:11, 96:25, 157:13, 199:6, 202:4, 224:11, 228:9, 240:1, 285:18, 372:17, 402:7, 413:18, 428:11, 429:10, 429:22, 485:25, 490:17, 494:25, 609:5, 732:9, 822:4, 823:8, 833:13, 834:2, 865:11, 865:19, 876:7, 884:9</p> <p>resulted [5] - 224:9, 487:24, 706:23, 799:17, 820:18</p> <p>resulting [2] - 46:8, 826:4</p> <p>results [15] - 54:22, 105:15, 188:7, 199:11, 306:19, 434:7, 449:23, 472:7, 609:10, 609:12, 609:15, 644:1, 663:22, 833:2, 845:5</p> <p>resume [3] - 71:24, 782:16, 869:20</p> <p>resumed [11] - 72:22, 139:17, 154:22, 252:21, 283:13, 359:20, 441:20, 512:16, 592:13,</p>	<p>680:11, 723:10</p> <p>retail [8] - 12:22, 165:21, 180:23, 260:2, 260:10, 852:15, 864:6, 864:9</p> <p>retailing [1] - 180:22</p> <p>retain [1] - 179:8</p> <p>retained [1] - 870:4</p> <p>retention [4] - 603:6, 603:8, 603:9, 650:14</p> <p>retention-type [1] - 650:14</p> <p>retire [5] - 120:4, 538:6, 866:9, 866:11, 879:21</p> <p>retired [8] - 22:13, 38:19, 44:24, 279:6, 279:7, 452:3, 527:19, 533:15</p> <p>retirement [1] - 71:23</p> <p>retires [1] - 879:16</p> <p>retort [1] - 482:13</p> <p>retract [1] - 297:23</p> <p>retreat [1] - 598:25</p> <p>retroactive [1] - 435:23</p> <p>retrospect [1] - 756:20</p> <p>return [10] - 53:7, 94:3, 332:3, 332:5, 439:9, 489:23, 493:15, 825:12, 844:20, 881:1</p> <p>reuse [1] - 567:19</p> <p>reused [2] - 214:16, 766:12</p> <p>revealed [1] - 832:22</p> <p>revegetate [8] - 186:4,</p>	<p>208:3, 208:20, 209:4, 211:7, 211:16, 211:25, 212:9</p> <p>revegetated [6] - 98:19, 207:24, 209:3, 212:2, 309:16, 309:22</p> <p>revegetatin [2] - 185:25, 206:3</p> <p>revegetatio [21] - 7:5, 159:13, 173:12, 198:11, 198:19, 199:15, 205:25, 207:1, 207:20, 209:12, 211:21, 212:14, 213:4, 213:20, 214:6, 215:19, 215:22, 225:2, 225:6, 443:11, 725:1</p> <p>Revegetatio [1] - 204:2</p> <p>revenue [14] - 173:8, 434:16, 434:18, 437:11, 437:18, 438:12, 438:16, 571:17, 586:25, 589:3, 589:9, 590:4, 590:11</p> <p>revenues [5] - 280:5, 437:10, 588:22, 589:9, 833:11</p> <p>reverence [1] - 459:1</p> <p>reverse [3] - 24:13, 55:6, 55:8</p> <p>reversed [2] - 351:7, 351:9</p> <p>review [39] - 8:8, 8:9, 8:13, 8:14, 157:21, 160:18, 160:19, 160:21,</p>	<p>160:25, 161:3, 177:21, 189:13, 208:16, 229:4, 257:18, 285:4, 370:24, 375:13, 375:14, 388:25, 485:12, 491:23, 594:17, 594:20, 603:15, 625:7, 625:25, 663:22, 675:12, 701:9, 705:10, 806:23, 813:12, 813:18, 813:23, 833:15, 848:24, 874:12, 875:13</p> <p>reviewed [18] - 7:25, 159:1, 160:9, 198:7, 333:3, 333:4, 364:18, 392:23, 571:22, 637:22, 638:8, 639:13, 639:14, 701:7, 701:9, 774:14, 785:21, 849:6</p> <p>reviewer [1] - 9:12</p> <p>reviewing [7] - 103:13, 257:21, 443:19, 485:15, 639:3, 786:10, 813:23</p> <p>reviews [1] - 737:23</p> <p>revised [3] - 8:3, 160:12, 390:13</p> <p>revolve [1] - 70:23</p> <p>reward [1] - 836:7</p> <p>rewards [2] - 32:7, 439:6</p> <p>rezone [12] - 2:10, 6:8,</p>	<p>155:14, 158:2, 442:9, 442:12, 464:21, 487:2, 534:18, 593:6, 816:16, 848:12</p> <p>rezoned [1] - 158:5</p> <p>rezoning [41] - 6:11, 6:13, 7:18, 49:3, 98:1, 106:20, 116:19, 150:2, 150:23, 151:10, 157:3, 158:8, 158:11, 160:2, 174:1, 353:16, 442:17, 460:24, 463:11, 464:4, 474:14, 476:3, 477:11, 518:6, 518:13, 518:15, 529:9, 536:10, 536:15, 536:21, 563:1, 579:19, 594:1, 594:16, 618:5, 627:9, 728:3, 728:10, 731:8, 828:3</p> <p>Rezoning [1] - 98:11</p> <p>RGGI [4] - 882:9, 882:12, 882:14, 882:22</p> <p>Rhode [8] - 37:2, 112:6, 112:24, 267:24, 432:16, 819:12, 819:17, 878:20</p> <p>rich [2] - 99:12, 802:18</p> <p>Richard [1] - 598:17</p> <p>Richardson [2] - 504:3, 505:20</p> <p>Richel [1] - 730:20</p> <p>richer [1] - 536:5</p> <p>rid [1] - 343:15</p>	<p>ridden [1] - 566:20</p> <p>ride [1] - 115:11</p> <p>rides [1] - 71:11</p> <p>Ridge [14] - 23:22, 45:18, 52:24, 94:24, 222:5, 466:3, 499:15, 527:24, 536:10, 560:8, 569:2, 607:16, 658:6, 697:3</p> <p>ridge [23] - 45:20, 47:17, 147:25, 171:3, 210:3, 242:13, 486:13, 487:19, 499:9, 516:1, 516:2, 562:22, 614:25, 646:7, 648:3, 653:3, 666:17, 675:17, 676:6, 688:12, 697:14, 735:18, 800:20</p> <p>ridgeline [36] - 13:12, 13:14, 149:1, 166:18, 193:2, 193:4, 193:8, 193:16, 230:1, 237:22, 240:6, 240:13, 240:18, 242:2, 242:5, 243:4, 243:12, 243:21, 243:24, 243:25, 289:24, 456:7, 498:22, 602:21, 623:24, 626:3, 629:16, 649:9, 649:18, 665:2, 675:19, 719:3, 719:10, 744:9, 820:9</p> <p>ridgelines [26] - 76:14, 151:24, 166:15, 166:24, 169:9, 235:1, 243:20, 244:13,</p>
--	---	---	--	---	---	---

<p>244:15, 446:4, 497:7, 498:12, 499:11, 522:7, 522:19, 649:11, 649:15, 652:3, 656:3, 682:24, 687:17, 706:10, 706:23, 740:2, 744:23, 809:5</p> <p>ridges [29] - 17:13, 19:7, 27:13, 32:2, 32:5, 130:11, 140:10, 144:14, 188:22, 210:3, 210:13, 240:14, 241:24, 247:10, 454:21, 497:17, 498:21, 560:2, 560:3, 646:9, 648:20, 650:8, 652:9, 658:7, 658:8, 685:2, 703:22, 744:11, 795:16</p> <p>ridiculous [2] - 152:2, 545:6</p> <p>riding [1] - 40:12</p> <p>right-hand [2] - 687:13, 781:20</p> <p>right-of-way [1] - 890:2</p> <p>rightfully [1] - 498:14</p> <p>rights [6] - 350:9, 589:6, 613:19, 613:20, 779:23, 780:5</p> <p>rights' [1] - 613:21</p> <p>rigid [2] - 656:8, 656:12</p> <p>rigorous [1] - 654:6</p> <p>rim [1] - 640:19</p> <p>rime [2] - 28:11, 50:20</p> <p>Rime [1] - 50:22</p>	<p>RIME [1] - 28:11</p> <p>Rimmer [4] - 294:24, 295:22, 296:18, 388:16</p> <p>rip [1] - 111:19</p> <p>riprap [10] - 208:2, 208:3, 208:6, 208:15, 209:6, 215:5, 218:16, 225:7, 225:9</p> <p>rise [3] - 21:24, 594:10, 825:3</p> <p>rises [1] - 273:8</p> <p>rising [5] - 55:11, 68:22, 476:14, 492:25, 822:9</p> <p>risk [12] - 26:7, 55:12, 66:21, 235:16, 295:1, 439:6, 450:7, 490:3, 721:15, 733:6, 734:24, 862:19</p> <p>risks [4] - 42:17, 55:16, 735:1, 828:21</p> <p>risky [3] - 63:8, 166:8, 261:23</p> <p>Rita [1] - 261:14</p> <p>river [4] - 110:9, 110:14, 519:1, 769:15</p> <p>River [14] - 33:14, 36:18, 36:19, 49:5, 55:14, 57:19, 91:23, 110:7, 148:4, 502:14, 503:14, 525:20, 563:20</p> <p>Rivers [2] - 490:23, 511:7</p> <p>ivers [7] - 94:13, 458:21, 490:24, 518:18, 518:19, 545:9, 615:2</p>	<p>roaches [2] - 114:3, 114:4</p> <p>Road [4] - 290:15, 290:22, 631:8, 738:7</p> <p>road [114] - 35:6, 39:21, 40:17, 128:24, 129:12, 130:9, 130:12, 131:15, 131:16, 159:7, 167:20, 172:24, 195:8, 195:17, 196:19, 197:24, 200:4, 201:6, 203:11, 205:8, 205:21, 205:22, 206:10, 209:25, 210:2, 210:6, 223:21, 224:8, 224:11, 225:2, 231:14, 232:11, 234:8, 288:19, 289:2, 293:19, 300:19, 300:21, 304:17, 306:2, 311:13, 311:17, 311:19, 311:20, 315:10, 347:11, 372:3, 390:20, 394:12, 394:24, 395:12, 396:13, 429:4, 451:20, 453:15, 477:17, 484:16, 504:5, 532:5, 532:8, 547:19, 549:25, 560:10, 605:1, 609:16, 632:6, 689:7, 691:6, 697:13, 702:17, 703:6, 712:4, 712:6, 712:10, 714:4, 714:13, 714:24, 720:5, 720:14, 720:15, 721:1,</p>	<p>723:20, 723:21, 723:25, 724:2, 725:8, 725:16, 726:6, 731:4, 743:11, 743:20, 749:16, 762:3, 762:8, 762:14, 762:15, 763:6, 764:4, 765:24, 767:3, 767:20, 773:19, 773:20, 773:24, 775:7, 775:10, 776:4, 776:8, 776:11, 776:14, 779:9, 801:10, 808:2, 840:13</p> <p>roadless [15] - 231:16, 232:7, 236:16, 429:5, 741:7, 742:15, 742:20, 743:1, 747:17, 781:1, 781:14, 809:14, 809:16, 810:19, 812:15</p> <p>Roads [1] - 131:13</p> <p>roads [135] - 2:16, 2:20, 6:17, 6:21, 6:25, 7:8, 13:22, 40:13, 53:2, 63:23, 104:16, 128:25, 131:13, 148:24, 151:6, 158:14, 158:21, 159:16, 171:13, 173:2, 173:9, 176:2, 185:25, 197:10, 197:13, 197:16, 197:18, 197:19, 198:2, 199:16, 203:23, 205:8, 207:22, 209:1, 212:15, 223:21, 223:23, 224:6,</p>	<p>229:21, 229:25, 249:5, 250:9, 265:15, 286:15, 307:16, 308:20, 308:21, 308:22, 309:14, 309:16, 309:19, 309:22, 310:15, 311:2, 312:1, 312:18, 313:3, 313:16, 315:22, 327:16, 328:17, 348:19, 400:3, 442:21, 443:1, 443:5, 452:23, 456:5, 456:12, 477:16, 477:23, 478:2, 504:9, 507:10, 537:17, 549:1, 551:6, 556:13, 558:19, 558:20, 558:22, 561:22, 579:12, 601:21, 618:23, 632:4, 632:10, 636:5, 644:21, 649:21, 649:23, 652:5, 684:22, 685:9, 687:8, 688:9, 690:9, 690:13, 690:20, 690:24, 691:4, 691:5, 701:24, 709:15, 710:4, 711:7, 711:8, 715:16, 721:21, 723:16, 724:13, 724:17, 724:19, 725:5, 725:14, 725:15, 725:19, 725:22, 732:10, 739:7, 741:19, 741:21, 742:16, 747:12,</p>	<p>755:19, 755:22, 763:22, 763:24, 807:20, 807:24</p> <p>roadside [4] - 215:20, 215:23, 684:4, 690:8</p> <p>roadway [12] - 195:16, 195:19, 196:7, 196:10, 196:12, 197:3, 197:23, 198:20, 199:1, 199:10, 212:10, 300:8</p> <p>Roadway [1] - 197:20</p> <p>Roan [1] - 748:2</p> <p>Robbins [2] - 96:11, 96:13</p> <p>ROBBINS [1] - 96:13</p> <p>Robert [3] - 493:16, 556:22, 559:10</p> <p>Robinson [3] - 689:13, 690:6, 704:17</p> <p>robust [3] - 194:6, 417:19, 849:1</p> <p>rock [12] - 212:17, 213:23, 215:8, 396:11, 478:4, 485:17, 724:14, 724:18, 724:19, 725:4, 756:15, 766:6</p> <p>Rockefeller [2] - 78:7, 80:4</p> <p>ROCKEFEL [1] - 80:4</p> <p>Rockland [1] - 400:6</p> <p>rocks [3] - 218:21, 738:9, 756:16</p> <p>Rockwood [1] - 890:5</p> <p>rocky [1] - 456:6</p> <p>Rocque [15] -</p>	<p>215:10, 215:15, 225:8, 317:3, 386:6, 387:16, 392:12, 392:14, 392:16, 394:15, 712:21, 719:21, 721:17, 753:19, 757:11</p> <p>ROCQUE [6] - 216:1, 216:3, 216:6, 217:24, 387:15, 393:13</p> <p>rode [2] - 22:20, 82:18</p> <p>Roger [3] - 132:5, 133:15, 133:17</p> <p>Rogers [1] - 748:3</p> <p>role [6] - 57:1, 463:5, 598:19, 835:2, 837:24, 838:1</p> <p>roll [2] - 426:7, 541:12</p> <p>Rollins [1] - 1:17</p> <p>Ron [8] - 11:11, 178:1, 184:22, 360:21, 362:15, 373:11, 378:19, 786:21</p> <p>roof [1] - 480:17</p> <p>room [27] - 11:4, 85:11, 88:9, 111:10, 118:13, 131:9, 183:17, 339:5, 339:6, 408:18, 426:22, 502:17, 512:25, 539:21, 546:1, 551:13, 561:2, 564:20, 568:18, 590:19, 591:1, 625:4, 627:19, 678:22, 683:12, 723:3,</p>
---	--	---	--	---	---	---

735:22 rooms [2] - 408:15, 507:25 roosting [2] - 235:9, 389:23 roots [5] - 62:4, 118:15, 118:16, 214:18, 797:9 Rose [7] - 555:4, 559:11, 559:13, 559:14, 559:16, 559:18, 560:19 rotary [1] - 668:15 rotary-type [1] - 668:15 rotating [3] - 30:10, 30:23, 144:18 Roth [1] - 542:4 rotor [10] - 7:2, 27:18, 159:10, 177:7, 390:6, 399:2, 443:8, 733:12, 733:22, 734:24 rotor-swept [4] - 399:2, 733:12, 733:22, 734:24 rotors [1] - 390:15 rough [2] - 564:20, 617:9 roughly [21] - 221:21, 226:25, 227:20, 240:2, 240:15, 250:3, 265:17, 285:9, 323:14, 388:1, 390:3, 412:7, 635:12, 635:15, 636:21, 642:15, 669:17, 697:1, 851:19, 865:2, 866:1 Roughly [1] - 366:11 round [6] -	229:7, 474:18, 529:20, 531:11, 589:14, 711:14 route [12] - 59:7, 286:14, 311:24, 312:6, 499:8, 603:24, 605:3, 711:24, 711:25, 712:2, 712:3, 803:24 Route [29] - 29:20, 132:23, 197:14, 205:12, 222:1, 225:19, 328:22, 329:13, 453:12, 499:4, 499:5, 532:5, 538:6, 556:14, 560:7, 568:5, 631:7, 720:5, 725:25, 742:3, 743:21, 743:23 routed [1] - 173:8 routes [13] - 53:2, 235:20, 286:8, 286:19, 287:15, 307:23, 308:5, 308:7, 312:4, 312:5, 312:9, 497:20 routine [3] - 376:16, 600:22, 711:6 rouinely [1] - 29:6 Row [2] - 769:5, 769:6 row [5] - 22:20, 710:13, 769:5, 769:6 row-by-row [1] - 710:13 Row-by-row [2] - 769:5, 769:6 ROY [1] - 242:7 Roy [3] - 228:13, 388:6, 392:11 Roy's [1] - 304:1 RPS [16] -	272:24, 878:13, 878:14, 878:15, 878:22, 878:23, 878:24, 878:25, 879:6, 879:16, 879:21, 880:13, 880:16, 881:2, 881:5, 881:12 ruckus [1] - 521:13 rude [1] - 316:2 rugged [4] - 74:9, 193:19, 194:1, 526:1 ruin [3] - 99:25, 447:1, 513:12 Rule [1] - 867:2 rule [6] - 285:15, 384:11, 617:12, 637:7, 656:7, 756:15 ruled [2] - 162:3, 490:20 ruler [1] - 661:22 rules [9] - 2:7, 155:11, 363:18, 372:3, 458:24, 572:22, 593:2, 754:20, 860:8 ruling [6] - 139:23, 162:11, 284:12, 360:7, 371:17, 437:1 Rumford [1] - 873:13 rumors [2] - 506:5, 506:6 run [37] - 36:23, 64:6, 82:13, 83:3, 100:13, 199:17, 278:17, 278:19, 279:17, 378:12, 384:16, 466:18,	468:13, 469:6, 525:17, 540:17, 542:23, 544:7, 564:20, 569:21, 587:9, 610:20, 641:18, 643:3, 661:7, 687:4, 689:18, 711:7, 711:8, 711:9, 711:14, 712:9, 752:13, 779:6, 806:14, 818:9, 893:8 run-off [1] - 199:17 running [26] - 1:20, 17:2, 18:13, 52:20, 63:25, 65:15, 67:23, 83:15, 145:11, 192:12, 196:12, 264:18, 264:23, 339:12, 340:9, 340:10, 340:12, 340:13, 395:19, 434:1, 570:4, 688:11, 695:5, 779:9, 807:2, 840:24 runoff [3] - 208:2, 218:17, 721:3 runs [6] - 489:16, 566:16, 642:3, 667:21, 670:17, 712:7 rural [11] - 68:1, 92:9, 151:19, 186:13, 376:4, 445:9, 458:6, 515:24, 657:19, 844:13 rush [1] - 94:16 Rushad [1] - 531:7 rushing [1] - 110:16 rust [1] - 517:23 RUSTAD [1] -	540:6 Rustad [1] - 540:11 Ruth [5] - 72:23, 73:7, 73:9, 73:16, 75:10 RWF [1] - 317:17 Ryan [1] - 886:1 Rye [1] - 746:19 S S-3 [2] - 709:19, 710:7 Saco [3] - 67:21, 70:7, 885:19 sacred [3] - 75:4, 105:20, 706:12 sacrifice [8] - 59:9, 72:8, 98:10, 430:20, 478:9, 515:2, 515:17, 706:22 sacrificed [1] - 37:17 sacrifices [5] - 55:23, 509:12, 515:1, 515:20, 532:12 sacrificing [1] - 599:2 SAD [2] - 262:5, 273:12 sad [3] - 20:13, 37:21, 132:16 saddle [2] - 761:18, 761:19 Saddleback [82] - 31:24, 33:11, 33:18, 36:14, 38:25, 55:13, 94:5, 124:1, 172:7, 220:23, 226:6, 226:9, 226:16, 226:20, 226:23, 229:22, 251:9, 324:15, 329:4,	446:22, 473:17, 488:12, 497:21, 499:12, 520:24, 546:13, 603:16, 605:12, 606:21, 607:15, 607:17, 608:2, 619:4, 620:23, 621:11, 621:13, 621:14, 621:21, 621:22, 621:25, 622:7, 625:11, 625:14, 625:21, 625:22, 634:1, 661:15, 667:2, 667:17, 667:23, 676:21, 676:22, 677:17, 687:16, 687:17, 687:18, 687:21, 688:1, 688:17, 692:4, 692:5, 697:3, 697:12, 700:15, 700:16, 700:17, 701:20, 735:13, 735:16, 735:18, 735:23, 736:19, 738:4, 738:22, 739:4, 739:6, 748:16, 770:23 Saddleback/Redington/Crocker [1] - 809:14 Sadly [1] - 500:25 safe [11] - 28:1, 193:1, 195:19, 198:9, 259:16, 414:21, 827:3, 840:22, 890:7,	891:5, 892:17 safeguard [1] - 149:23 safely [1] - 258:5 safety [5] - 11:6, 28:24, 198:3, 486:1, 495:12 sage [1] - 458:16 sailors [1] - 114:25 sails [1] - 69:10 sake [2] - 755:24, 758:25 sale [2] - 570:16, 821:14 sales [7] - 164:16, 167:25, 644:21, 836:20, 852:15, 864:6, 864:9 salinity [1] - 565:20 sallow [1] - 720:12 Sally [5] - 23:14, 23:15, 23:17, 23:20, 25:2 salvage [1] - 333:11 salvaged [1] - 214:15 sample [2] - 233:23, 792:1 samples [1] - 827:1 Samuelson [3] - 57:4, 60:6, 60:15 SAMUELSON N [2] - 60:10, 60:14 San [4] - 125:23, 125:25, 178:20, 354:3 sanctity [1] - 106:11 Sand [1] - 86:20 sandals [1] - 52:16
---	--	---	--	---	---	---

<p>sandwich [4] - 199:10, 396:11, 773:17, 774:1</p> <p>sandwiched [1] - 199:4</p> <p>Sandy [3] - 36:19, 57:19, 525:20</p> <p>sap [1] - 18:13</p> <p>Sarah [2] - 761:9, 829:12</p> <p>Sargent [3] - 176:2, 201:6, 219:18</p> <p>sat [1] - 400:18</p> <p>satellite [4] - 117:25, 231:18, 742:14</p> <p>satisfactory [1] - 154:10</p> <p>satisfied [2] - 590:12, 728:16</p> <p>satisfies [1] - 818:5</p> <p>satisfy [7] - 37:17, 253:12, 369:22, 645:15, 731:8, 818:11, 828:4</p> <p>savannah [1] - 802:19</p> <p>save [18] - 47:24, 51:17, 64:4, 64:6, 66:2, 115:11, 120:16, 257:11, 452:11, 452:21, 533:4, 533:6, 551:14, 598:19, 726:21, 737:6, 885:2</p> <p>Save [2] - 49:24, 536:4</p> <p>saved [3] - 74:23, 119:25, 735:20</p> <p>saves [1] - 726:7</p> <p>saving [6] - 121:5, 121:6, 122:1, 480:11, 580:4, 598:17</p> <p>savings [13] -</p>	<p>63:8, 134:9, 193:13, 194:12, 268:13, 268:14, 268:17, 268:20, 268:23, 269:2, 438:11, 824:22, 839:24</p> <p>savor [1] - 497:11</p> <p>saw [37] - 11:7, 69:11, 125:24, 126:3, 126:7, 172:10, 209:21, 225:23, 227:6, 250:3, 256:2, 315:22, 317:10, 320:25, 324:2, 327:22, 346:3, 411:5, 473:5, 517:6, 543:6, 553:9, 638:10, 669:13, 697:12, 697:13, 702:1, 708:3, 710:19, 713:17, 714:12, 715:21, 756:5, 773:17, 781:7, 782:10</p> <p>SAYER [2] - 113:13, 113:17</p> <p>Sayer [2] - 113:15, 113:17</p> <p>scale [45] - 17:17, 20:24, 21:1, 37:19, 43:18, 76:1, 76:20, 85:12, 94:17, 167:3, 168:10, 226:4, 229:18, 233:24, 246:22, 246:24, 247:3, 250:2, 250:15, 250:18, 353:1, 408:12, 408:24, 485:4, 489:9, 577:23, 606:3, 606:7, 606:9, 608:19,</p>	<p>610:12, 619:10, 637:7, 638:12, 646:15, 646:18, 649:17, 653:8, 653:14, 653:16, 653:20, 653:25, 764:15, 764:18, 764:23</p> <p>scar [2] - 453:11, 533:1</p> <p>Scarboroug h [8] - 65:9, 65:11, 75:22, 84:5, 114:8, 136:18, 467:18, 566:8</p> <p>scared [1] - 568:16</p> <p>scares [2] - 81:15, 142:2</p> <p>scarred [1] - 37:25</p> <p>scars [2] - 40:23, 267:15</p> <p>scary [1] - 412:16</p> <p>scattered [3] - 268:2, 289:23, 729:25</p> <p>scavenger [1] - 711:10</p> <p>scavengers [1] - 144:21</p> <p>scenario [12] - 339:12, 340:19, 351:16, 352:21, 406:20, 406:22, 468:15, 468:17, 571:25, 573:20, 617:20, 617:25</p> <p>scenarios [5] - 341:17, 406:19, 437:5, 655:25, 656:1</p> <p>scene [14] - 345:23, 460:3, 502:17, 603:22,</p>	<p>641:14, 663:9, 663:15, 663:16, 664:8, 664:9, 668:7, 668:8, 685:1, 700:7</p> <p>scenery [25] - 48:21, 106:2, 221:12, 497:13, 497:15, 498:5, 513:12, 600:18, 600:21, 600:23, 601:3, 602:2, 605:5, 623:25, 624:14, 626:20, 626:22, 627:2, 628:16, 628:25, 639:19, 645:6, 645:7, 645:20, 650:13</p> <p>scenes [2] - 663:10, 687:10</p> <p>Scenic [14] - 319:14, 595:14, 595:22, 596:15, 599:12, 611:7, 612:4, 627:21, 629:1, 629:13, 629:14, 641:1, 681:14, 683:15</p> <p>scenic [94] - 9:12, 14:13, 26:15, 51:19, 71:17, 107:6, 107:24, 108:7, 109:2, 149:1, 174:7, 197:4, 220:10, 221:1, 221:9, 222:2, 228:6, 228:8, 228:10, 252:3, 319:2, 319:9, 319:12, 319:20, 321:22, 322:10, 323:10, 344:24, 345:2, 353:18, 354:7, 354:9, 355:6, 375:5, 375:7, 375:19, 427:1,</p>	<p>475:15, 495:14, 497:12, 498:8, 498:17, 498:19, 527:20, 577:12, 598:3, 611:10, 616:15, 618:9, 628:9, 628:14, 628:15, 628:19, 629:2, 629:3, 629:5, 629:9, 630:3, 630:14, 631:3, 631:20, 631:22, 632:18, 635:5, 641:6, 641:13, 641:15, 663:19, 664:24, 671:23, 673:13, 673:19, 675:16, 679:17, 682:16, 683:6, 683:8, 684:9, 684:18, 685:24, 686:5, 686:7, 686:8, 686:10, 686:12, 686:16, 686:21, 695:7, 703:4, 706:21, 747:5, 752:22, 752:24, 771:4</p> <p>scenically [1] - 746:1</p> <p>Schaefer [3] - 1:12, 155:4, 867:11</p> <p>SCHAEFER [5] - 186:10, 186:24, 266:10, 277:4, 866:5</p> <p>Schedule [2] - 370:15, 573:15</p> <p>schedule [13] - 9:8, 161:25, 219:21, 370:14, 385:8, 436:25, 588:18, 588:20, 589:22, 592:3,</p>	<p>829:7, 829:11, 862:16</p> <p>scheduled [2] - 9:1, 161:16</p> <p>schematic [1] - 733:19</p> <p>scheme [3] - 106:7, 493:10, 599:24</p> <p>Schoodic [1] - 759:21</p> <p>School [5] - 65:9, 96:14, 119:20, 413:8, 696:21</p> <p>school [10] - 65:13, 80:11, 114:8, 119:20, 169:11, 186:16, 471:22, 475:10, 552:11, 830:24</p> <p>schools [6] - 22:25, 186:20, 280:11, 413:25, 505:6, 717:3</p> <p>Schrag [1] - 407:22</p> <p>Schulten [1] - 462:22</p> <p>Science [2] - 105:19, 793:4</p> <p>science [10] - 114:9, 119:20, 202:8, 401:24, 540:24, 542:7, 788:25, 802:13, 803:16, 804:6</p> <p>Scientific [1] - 151:2</p> <p>scientific [6] - 106:5, 296:19, 491:13, 535:19, 541:8, 732:16</p> <p>scientist [13] - 113:20, 198:7, 204:18, 215:13, 349:4, 392:18, 535:18, 542:20, 555:6, 739:18, 771:13,</p>	<p>797:20, 798:11</p> <p>Scientists [3] - 456:25, 800:14, 825:12</p> <p>scientists [13] - 77:1, 78:21, 299:6, 387:17, 504:12, 540:18, 540:23, 717:2, 788:10, 797:22, 798:12, 798:15, 803:19</p> <p>scope [1] - 205:3</p> <p>Scott [7] - 1:17, 16:20, 47:4, 60:6, 60:15, 135:25, 136:19</p> <p>scoured [1] - 13:6</p> <p>scrabbled [1] - 63:15</p> <p>screen [3] - 686:24, 691:20, 700:3</p> <p>screened [2] - 686:25, 691:17</p> <p>screening [5] - 345:17, 345:21, 604:18, 809:19, 814:2</p> <p>screens [1] - 604:16</p> <p>screw [2] - 90:2, 111:1</p> <p>scrubby [1] - 802:19</p> <p>SCS [1] - 314:11</p> <p>se [5] - 319:8, 491:9, 683:1, 726:17, 858:16</p> <p>sea [5] - 55:11, 416:3, 459:10, 565:12, 800:8</p> <p>Sea [1] - 556:2</p> <p>Seabrook [1] - 564:5</p>
--	---	---	---	--	---	---

<p>Sealots's [1] - 802:9</p> <p>seamlessly [1] - 163:11</p> <p>search [1] - 449:25</p> <p>searchers [1] - 144:21</p> <p>searching [1] - 13:5</p> <p>Searsburg [8] - 225:24, 249:12, 269:23, 351:17, 351:18, 352:12, 471:21, 534:5</p> <p>seas [1] - 415:24</p> <p>season [6] - 203:5, 206:17, 211:21, 244:12, 462:7, 541:21</p> <p>seasonal [6] - 107:19, 108:22, 229:8, 244:16, 304:24, 404:3</p> <p>seasonality [1] - 403:19</p> <p>seasons [4] - 23:25, 207:2, 534:24, 799:13</p> <p>seat [2] - 512:20, 750:16</p> <p>Seattle [1] - 125:22</p> <p>Second [7] - 12:6, 425:16, 768:21, 799:22, 799:23, 820:15, 868:25</p> <p>second [42] - 26:11, 68:3, 68:16, 101:24, 108:3, 141:21, 145:2, 154:4, 162:11, 180:1, 194:22, 215:21, 271:6, 279:22, 324:2, 346:17, 355:12, 389:1, 431:23, 503:2,</p>	<p>508:7, 513:24, 530:5, 534:12, 546:13, 548:19, 567:14, 611:16, 625:5, 625:23, 648:13, 683:19, 685:11, 717:21, 740:16, 740:21, 756:18, 799:19, 801:6, 845:11, 851:15, 866:18</p> <p>secondary [2] - 723:16, 744:11</p> <p>secondly [2] - 144:21, 363:17</p> <p>Secondly [5] - 101:18, 148:1, 447:17, 461:15, 495:5</p> <p>seconds [7] - 138:23, 224:22, 325:23, 372:6, 658:22, 715:2, 715:3</p> <p>Secretary [3] - 641:9, 641:11, 641:12</p> <p>section [27] - 8:15, 74:8, 99:19, 161:3, 197:23, 501:25, 532:6, 532:20, 596:16, 596:19, 597:4, 597:8, 603:20, 604:5, 604:8, 607:14, 616:19, 617:13, 617:13, 691:24, 728:14, 747:20, 749:14, 752:14, 752:16, 793:1, 843:9, 861:1</p> <p>Section [8] - 2:5, 2:25,</p>	<p>155:9, 155:23, 319:20, 594:19, 675:16, 729:20</p> <p>sections [8] - 196:24, 207:25, 208:12, 491:12, 598:3, 702:11, 752:7, 764:22</p> <p>sector [5] - 165:5, 165:7, 751:21, 752:4, 818:3</p> <p>secure [4] - 450:3, 476:22, 621:13, 818:13</p> <p>secured [1] - 213:21</p> <p>Security [1] - 874:11</p> <p>security [2] - 390:23, 818:20</p> <p>sediment [11] - 195:20, 202:21, 203:9, 203:12, 203:16, 203:20, 204:1, 204:14, 210:7, 213:21, 214:13</p> <p>sedimentati on [4] - 200:5, 201:14, 206:13, 478:1</p> <p>sediments [1] - 210:12</p> <p>see [300] - 7:25, 10:15, 10:17, 15:2, 17:3, 19:21, 19:22, 29:22, 30:12, 31:25, 36:16, 39:7, 39:21, 40:14, 42:9, 46:4, 51:5, 54:11, 59:2, 59:24, 59:25, 70:23, 78:14, 79:23, 83:13, 83:14, 88:17, 89:2, 90:24, 91:6, 102:12, 116:24,</p>	<p>116:25, 123:18, 124:6, 124:11, 124:12, 124:23, 125:5, 125:6, 125:7, 128:8, 133:6, 137:15, 143:2, 145:22, 146:10, 149:4, 152:17, 152:20, 166:4, 166:11, 169:9, 196:12, 196:17, 212:13, 220:15, 220:23, 221:3, 222:10, 222:12, 222:25, 223:21, 223:23, 224:14, 224:20, 225:21, 225:22, 226:15, 226:19, 226:21, 226:25, 227:14, 230:14, 230:18, 231:21, 231:22, 231:25, 232:1, 234:12, 240:2, 243:5, 243:7, 249:4, 249:5, 249:8, 252:4, 254:20, 257:8, 261:7, 261:9, 261:12, 261:18, 261:23, 263:16, 264:8, 275:17, 288:21, 288:24, 289:8, 289:13, 291:24, 293:1, 312:14, 312:25, 313:24, 318:6, 322:12, 324:9, 324:18, 324:19, 325:24, 327:6, 328:2, 328:15, 328:25, 329:4,</p>	<p>329:7, 329:9, 329:14, 332:8, 337:6, 347:22, 348:3, 348:16, 355:24, 356:3, 356:4, 377:4, 378:19, 384:17, 387:6, 395:21, 396:6, 403:5, 403:17, 403:18, 404:6, 404:8, 404:17, 411:25, 428:5, 429:12, 429:15, 432:19, 436:5, 437:4, 437:9, 437:24, 438:11, 438:12, 446:5, 446:9, 446:12, 446:14, 455:3, 455:6, 458:20, 463:25, 466:10, 467:3, 467:16, 488:25, 489:10, 490:3, 490:8, 496:19, 499:9, 499:12, 502:11, 505:11, 505:12, 509:14, 516:12, 517:11, 527:23, 531:18, 544:11, 546:14, 547:12, 547:15, 547:16, 547:23, 551:9, 558:12, 560:3, 560:11, 560:24, 564:23, 571:20, 576:8, 576:15, 592:6, 594:10, 601:18, 602:2, 602:19, 602:21, 605:5, 607:8, 610:14, 610:24, 613:22, 617:11, 618:22, 618:25, 619:4, 620:3, 621:8,</p>	<p>621:9, 629:16, 629:20, 636:3, 636:4, 636:10, 636:20, 647:19, 648:10, 648:11, 652:19, 653:24, 654:7, 656:21, 657:13, 657:21, 658:4, 658:9, 658:15, 658:16, 658:22, 659:9, 659:21, 660:5, 660:6, 660:11, 661:20, 663:15, 666:15, 668:14, 669:17, 669:21, 670:7, 677:7, 677:13, 677:16, 684:22, 687:8, 687:11, 687:18, 688:7, 688:13, 688:18, 688:25, 689:6, 689:8, 689:24, 692:9, 692:23, 698:9, 698:10, 701:19, 701:23, 702:7, 706:20, 708:6, 708:8, 709:5, 713:20, 713:21, 716:5, 719:23, 720:2, 721:6, 721:9, 734:6, 734:7, 738:8, 750:4, 754:7, 783:12, 790:11, 803:9, 832:7, 844:14, 849:2, 849:15, 875:4, 876:8, 890:24, 891:6, 892:16</p> <p>seed [13] - 63:8, 193:15, 211:7, 211:15, 217:2, 217:14, 218:1, 218:2, 218:13, 219:2, 463:1, 662:14, 662:15</p> <p>seeding [1] - 206:16</p>	<p>seeds [2] - 301:23, 730:8</p> <p>Seeing [1] - 555:25</p> <p>seeing [29] - 11:24, 19:6, 19:7, 24:4, 40:16, 55:19, 59:6, 91:1, 96:23, 123:19, 225:6, 247:12, 249:24, 329:9, 435:22, 493:3, 513:18, 548:13, 587:7, 657:25, 658:1, 658:18, 669:25, 672:22, 696:12, 701:10, 756:14</p> <p>seek [3] - 458:9, 748:17, 821:21</p> <p>seeking [4] - 13:17, 363:23, 643:3, 738:15</p> <p>seem [20] - 41:5, 69:5, 74:5, 134:16, 209:20, 240:6, 267:14, 270:18, 271:15, 271:17, 379:17, 379:20, 387:15, 423:5, 450:23, 522:15, 575:7, 586:25, 628:9, 862:11</p> <p>seemingly [2] - 717:18, 828:20</p> <p>seep [16] - 208:7, 292:1, 292:2, 292:12, 292:24, 294:20, 294:20, 712:19, 717:21, 718:5, 718:13, 719:11, 719:15, 719:16, 719:17, 720:2, 753:23</p> <p>seepage [3] -</p>
--	---	---	--	---	---	---

<p>717:22, 720:18, 721:2 seeping [2] - 316:23, 773:9 seeps [34] - 199:9, 285:22, 294:7, 294:14, 294:18, 394:1, 395:14, 395:17, 709:25, 712:25, 717:13, 717:16, 717:17, 718:2, 718:7, 718:9, 718:14, 718:17, 718:19, 719:8, 719:23, 720:11, 720:12, 720:20, 721:14, 722:23, 753:21, 754:22, 756:21, 772:15, 772:16, 773:15, 773:23, 774:8 sees [3] - 437:18, 502:19, 738:23 Segal [5] - 220:4, 637:18, 643:7, 643:16, 643:22 segment [8] - 233:23, 291:19, 535:10, 604:5, 635:13, 635:16, 635:19, 636:12 seize [1] - 83:22 select [1] - 534:25 selected [5] - 63:21, 172:23, 208:16, 312:5, 351:1 selecting [1] - 355:7 selection [11] - 66:6, 66:18,</p>	<p>164:16, 165:24, 206:22, 345:7, 354:17, 354:20, 354:22, 461:15, 461:16 selectman [2] - 147:12, 255:6 selectmen [1] - 267:2 self [5] - 482:15, 610:22, 686:2, 777:24, 819:6 self- sufficiency [1] - 819:6 selfish [1] - 123:12 sell [29] - 172:19, 180:20, 181:24, 182:12, 184:14, 260:10, 260:14, 262:2, 262:7, 272:14, 272:15, 280:3, 282:2, 350:15, 436:23, 479:8, 479:9, 479:20, 531:12, 537:7, 548:8, 557:18, 557:19, 813:4, 840:3, 840:7, 857:21, 858:2, 858:24 seller [1] - 839:22 selling [11] - 12:24, 49:22, 262:3, 268:7, 273:25, 277:1, 280:10, 368:6, 525:18, 548:11, 864:5 sells [2] - 475:22, 574:3 Senate [2] - 16:22, 474:22 senator [2] - 21:11, 462:22 Senator [6] - 16:14, 16:20, 20:6, 20:18, 114:7, 135:25</p>	<p>SENATOR [2] - 16:17, 20:7 senators [1] - 5:22 send [3] - 89:15, 89:17, 565:5 sending [7] - 35:23, 89:8, 263:17, 263:18, 263:20, 263:22, 517:7 senior [5] - 11:1, 96:14, 506:13, 739:17, 798:11 sense [61] - 24:1, 26:13, 54:19, 54:20, 68:2, 74:18, 75:25, 76:12, 77:8, 88:1, 88:2, 140:5, 140:7, 140:11, 140:14, 184:14, 217:3, 221:10, 221:20, 243:18, 248:25, 280:15, 287:3, 347:10, 462:6, 462:9, 510:22, 510:25, 549:14, 552:20, 562:2, 596:22, 596:23, 597:10, 598:7, 598:11, 606:4, 607:4, 620:24, 623:14, 630:17, 652:18, 653:23, 665:5, 672:15, 673:8, 685:14, 696:17, 697:4, 697:16, 710:9, 712:10, 726:22, 781:12, 781:13, 824:6, 828:18 senses [1] - 657:1 sensible [1] -</p>	<p>584:22 sensing [1] - 658:19 sensitive [25] - 17:13, 152:13, 169:2, 223:13, 236:1, 236:8, 396:2, 484:18, 486:11, 486:14, 622:1, 648:10, 684:1, 684:8, 685:8, 695:13, 720:23, 722:16, 722:23, 740:23, 743:17, 745:17, 745:22, 755:22, 800:2 sensitivities [1] - 683:7 sensitivity [5] - 198:23, 256:21, 601:15, 601:25, 661:17 Sensitivity [1] - 602:24 sensors [1] - 660:25 sent [11] - 8:3, 8:8, 51:17, 114:24, 148:19, 160:10, 160:15, 160:19, 299:24, 363:16, 786:3 sentence [3] - 706:7, 779:21, 804:14 sentencing [1] - 470:2 sentiments [3] - 244:20, 407:2, 535:21 separate [11] - 66:1, 273:15, 278:25, 284:4, 290:24, 357:20, 358:3, 358:6, 752:9, 754:20, 828:7 separated [1]</p>	<p>- 885:14 separately [6] - 216:5, 319:9, 404:25, 436:16, 885:23, 885:24 separation [1] - 740:5 September [5] - 7:21, 160:7, 227:8, 546:13, 546:19 septic [1] - 202:9 sequester [1] - 542:12 sergeant [1] - 141:13 series [15] - 13:10, 15:5, 168:12, 233:15, 312:17, 313:15, 313:23, 314:1, 314:4, 314:18, 314:23, 360:19, 486:7, 705:14, 730:15 serious [22] - 25:12, 41:18, 42:7, 42:11, 56:1, 73:25, 75:24, 84:23, 87:6, 100:2, 190:21, 374:17, 405:10, 438:21, 470:2, 500:12, 622:23, 726:16, 740:13, 743:4, 834:25, 861:5 seriously [8] - 36:10, 36:13, 438:22, 506:14, 695:8, 766:1, 804:9, 830:8 serve [11] - 12:5, 16:23, 25:1, 74:19, 149:21, 260:4, 448:8, 493:15, 502:2, 515:13, 822:5</p>	<p>served [8] - 16:23, 63:2, 137:22, 474:19, 552:5, 595:17, 600:17, 817:5 serves [3] - 24:23, 529:7, 608:13 service [8] - 71:16, 71:22, 99:3, 99:15, 162:9, 177:18, 378:11, 815:25 Service [70] - 9:12, 62:2, 137:22, 146:14, 156:8, 162:9, 202:12, 218:1, 221:12, 229:3, 247:15, 247:21, 247:24, 251:4, 306:23, 316:13, 317:8, 317:11, 317:13, 319:6, 319:11, 326:21, 327:2, 355:3, 534:10, 584:18, 595:1, 595:8, 595:14, 595:16, 595:22, 597:19, 597:20, 597:22, 597:25, 599:13, 599:15, 600:2, 600:11, 600:16, 600:23, 601:4, 601:6, 612:7, 612:24, 614:7, 614:21, 615:15, 615:18, 624:13, 624:16, 624:18, 628:4, 630:22, 644:12, 644:18, 645:3, 645:16, 650:9, 656:7, 681:10, 683:15, 736:5, 751:19, 752:20, 753:7, 806:20</p>	<p>Services [3] - 406:9, 613:7, 741:15 services [15] - 8:14, 15:12, 94:9, 107:23, 152:8, 161:2, 229:10, 254:2, 254:8, 271:7, 304:2, 544:10, 567:5, 817:18, 887:7 servicing [3] - 474:20, 552:17, 564:10 session [7] - 100:23, 154:4, 382:24, 480:19, 842:18, 847:10, 893:10 sessions [1] - 400:10 set [54] - 8:18, 8:25, 9:9, 100:24, 121:14, 122:25, 147:2, 161:6, 161:14, 162:1, 163:5, 163:20, 172:21, 177:17, 177:20, 189:23, 201:5, 239:21, 378:7, 378:17, 389:17, 400:6, 416:22, 416:24, 426:15, 427:13, 428:25, 432:25, 494:17, 510:18, 536:17, 587:19, 588:4, 589:22, 646:10, 655:15, 725:10, 725:14, 731:19, 746:4, 749:9, 765:25, 785:6, 828:14, 855:13, 855:17,</p>
--	--	--	---	---	--	--

<p>855:23, 856:6, 857:1, 860:13, 863:25, 864:13, 881:17, 881:18</p> <p>set-aside [2] - 881:17, 881:18</p> <p>set-up [1] - 588:4</p> <p>Seth [4] - 401:10, 406:1, 420:9, 430:23</p> <p>sets [3] - 237:15, 246:21, 818:20</p> <p>setting [10] - 206:23, 348:20, 533:16, 537:1, 631:25, 686:12, 693:7, 748:24, 858:21, 892:17</p> <p>settings [5] - 204:4, 213:5, 303:14, 460:13, 633:11</p> <p>settle [1] - 720:3</p> <p>settled [2] - 529:2, 545:12</p> <p>settlement [6] - 437:3, 437:6, 586:7, 588:21, 731:17, 744:6</p> <p>settlers [1] - 526:4</p> <p>setup [1] - 40:19</p> <p>seven [17] - 4:1, 62:3, 113:22, 247:17, 390:3, 483:2, 501:3, 513:8, 538:7, 548:8, 604:11, 615:13, 616:7, 700:12, 858:19, 860:19, 891:25</p> <p>Seven [3] - 8:23, 161:12, 171:25</p>	<p>seven-bedroom [1] - 483:2</p> <p>Seventy [1] - 193:25</p> <p>several [43] - 11:1, 14:21, 30:2, 39:16, 56:13, 84:13, 93:4, 121:11, 121:18, 161:19, 171:24, 189:8, 195:6, 247:6, 249:12, 253:13, 269:24, 315:14, 413:16, 415:18, 434:14, 437:25, 444:25, 497:20, 526:14, 527:4, 546:8, 567:15, 573:7, 601:10, 702:1, 747:24, 753:11, 753:20, 786:24, 788:18, 788:22, 817:7, 825:9, 844:21, 872:10, 878:18, 886:9</p> <p>Several [5] - 9:1, 103:23, 161:15, 265:19, 315:15</p> <p>severe [7] - 189:1, 447:10, 448:1, 453:10, 653:22, 655:22, 744:1</p> <p>severely [7] - 500:15, 500:17, 500:18, 560:25, 732:5, 740:10, 799:25</p> <p>shack [1] - 243:5</p> <p>shade [1] - 223:2</p> <p>shades [1] - 196:15</p> <p>shadow [3] -</p>	<p>110:9, 111:8, 633:2</p> <p>SHAEFFER [7] - 616:17, 616:23, 617:2, 617:8, 617:12, 617:17, 618:1</p> <p>Shaeffer [1] - 592:22</p> <p>shag [1] - 792:6</p> <p>shaking [1] - 500:16</p> <p>shall [4] - 498:15, 498:22, 675:18, 728:4</p> <p>shallow [7] - 204:8, 206:2, 210:11, 257:2, 395:18, 436:21, 772:15</p> <p>shame [2] - 72:6, 569:22</p> <p>shape [7] - 17:8, 230:15, 245:4, 508:11, 619:15, 652:3, 837:3</p> <p>shapes [1] - 619:19</p> <p>share [14] - 77:23, 78:1, 78:3, 134:3, 147:13, 260:6, 427:8, 463:24, 531:19, 600:2, 612:9, 819:14, 870:10</p> <p>shared [10] - 313:14, 418:25, 419:2, 546:23, 555:15, 555:20, 650:22, 744:25, 862:14, 876:20</p> <p>shareholder [1] - 330:8</p> <p>sharing [2] - 52:8, 460:9</p> <p>Sharon [5] - 38:11, 38:12, 38:16, 57:7, 57:11</p> <p>sharp [1] - 606:17</p>	<p>SHARP [1] - 525:12</p> <p>Sharp [3] - 523:15, 525:11, 525:15</p> <p>shave [1] - 94:23</p> <p>Shea [1] - 149:11</p> <p>sheath [1] - 52:25</p> <p>shed [18] - 38:3, 224:22, 246:6, 317:16, 322:1, 462:11, 543:3, 618:17, 640:23, 748:11, 748:20, 752:18, 806:11, 808:13, 824:12, 831:12, 848:15</p> <p>sheep [1] - 117:4</p> <p>sheer [1] - 37:19</p> <p>sheering [1] - 367:21</p> <p>sheet [3] - 1:18, 314:3, 335:22</p> <p>Sheet [2] - 288:19, 289:1</p> <p>sheets [9] - 3:4, 308:6, 312:17, 313:15, 313:19, 313:23, 756:6</p> <p>Sheila [4] - 143:13, 486:23, 494:1, 494:3</p> <p>shell [1] - 279:8</p> <p>shells [1] - 416:3</p> <p>shelter [3] - 382:8, 383:2, 383:5</p> <p>Shelter [1] - 483:12</p> <p>Sherman [1] - 668:8</p> <p>shift [1] - 800:6</p>	<p>shifting [1] - 689:20</p> <p>shifts [3] - 800:10, 800:11, 800:14</p> <p>shine [1] - 560:12</p> <p>shined [1] - 391:20</p> <p>shining [1] - 107:16</p> <p>shipped [2] - 117:16, 533:3</p> <p>shiver [1] - 90:21</p> <p>shoe [1] - 142:23</p> <p>shoed [1] - 58:20</p> <p>shoeing [1] - 102:17</p> <p>shoers [1] - 891:13</p> <p>shoes [2] - 52:16</p> <p>shooting [1] - 212:12</p> <p>shops [1] - 94:9</p> <p>shore [2] - 88:18, 88:19</p> <p>shorefront [1] - 464:13</p> <p>shoreland [2] - 158:18, 750:20</p> <p>shores [1] - 75:20</p> <p>short [29] - 5:25, 262:22, 268:17, 287:18, 417:22, 435:7, 435:12, 435:16, 436:9, 436:23, 437:13, 442:7, 461:18, 498:23, 499:19, 526:25, 556:16, 574:6, 621:17, 628:9, 634:20, 693:18, 772:16, 801:4, 801:10, 801:11, 807:9, 849:14, 866:9</p>	<p>Short [1] - 203:5</p> <p>short-term [8] - 262:22, 268:17, 435:7, 435:12, 435:16, 436:9, 801:4, 801:10</p> <p>shortage [4] - 49:18, 273:7, 410:2, 880:15</p> <p>shortages [1] - 825:7</p> <p>shorten [1] - 833:5</p> <p>shortened [1] - 550:20</p> <p>shorter [3] - 245:5, 245:6, 473:6</p> <p>shortfall [1] - 879:5</p> <p>shortfalls [6] - 101:14, 879:12, 879:14, 879:20, 880:13</p> <p>shorthand [1] - 529:18</p> <p>shortly [1] - 597:23</p> <p>shortsighte [1] - 599:1</p> <p>shot [2] - 386:24, 504:23</p> <p>shoulder [2] - 242:3, 691:7</p> <p>shoulders [5] - 186:2, 209:24, 241:23, 242:5, 243:2</p> <p>show [66] - 209:13, 221:25, 234:4, 234:25, 235:3, 236:10, 255:15, 259:6, 268:16, 288:17, 294:6, 296:15, 312:17, 313:16, 313:20, 313:23, 314:1, 318:9, 321:5, 322:6, 323:18,</p>	<p>328:16, 349:23, 352:25, 381:18, 414:6, 423:5, 428:10, 430:2, 432:15, 437:4, 448:16, 502:10, 502:23, 515:13, 515:15, 579:21, 580:19, 604:25, 605:9, 632:2, 632:3, 662:11, 662:12, 663:3, 663:8, 678:18, 684:24, 710:21, 714:25, 720:14, 729:2, 769:10, 769:19, 769:20, 778:4, 783:3, 786:3, 787:10, 792:23, 794:7, 824:11, 826:23, 833:19, 861:12</p> <p>showed [21] - 187:19, 191:6, 251:9, 322:18, 322:19, 323:2, 376:8, 574:10, 578:9, 581:23, 582:8, 692:12, 700:3, 769:10, 780:19, 794:6, 794:11, 810:1, 810:4, 821:1</p> <p>showers [1] - 99:23</p> <p>showing [18] - 31:12, 197:11, 198:22, 235:15, 243:9, 297:6, 354:11, 414:22, 436:13, 587:16, 606:20, 607:25, 687:16, 742:12, 778:1, 781:19, 793:25, 827:2</p> <p>shown [17] -</p>
--	---	---	---	---	--	---

<p>170:11, 196:10, 198:17, 198:21, 237:7, 265:25, 290:12, 291:17, 308:5, 311:14, 313:21, 485:4, 527:1, 576:10, 608:9, 705:3, 761:20</p> <p>shows [37] - 173:11, 196:19, 196:24, 198:12, 206:15, 221:5, 225:2, 230:24, 230:25, 233:14, 242:14, 263:11, 270:8, 288:19, 288:20, 289:1, 294:8, 337:10, 347:2, 403:3, 403:14, 428:16, 429:11, 607:22, 607:23, 663:2, 691:7, 734:14, 742:9, 742:15, 766:15, 791:14, 791:24, 802:9, 828:9, 847:15</p> <p>shrinkage [2] - 800:25, 803:11</p> <p>shrubbing [1] - 729:24</p> <p>Shur [1] - 506:9</p> <p>shut [8] - 4:23, 28:23, 29:9, 83:15, 187:23, 452:15, 468:24, 873:21</p> <p>shutters [1] - 633:3</p> <p>shutting [3] - 187:22, 265:1, 340:10</p> <p>sic [2] - 61:3, 77:1</p> <p>sick [1] -</p>	<p>830:18</p> <p>side [48] - 10:15, 39:17, 57:11, 62:5, 114:14, 124:14, 172:7, 212:10, 212:16, 214:25, 224:8, 224:12, 225:14, 245:12, 267:15, 286:19, 320:24, 326:18, 427:15, 429:16, 436:7, 507:6, 515:25, 546:16, 547:13, 547:22, 558:8, 603:20, 605:14, 605:15, 607:6, 613:23, 618:24, 625:17, 625:18, 625:19, 635:14, 677:8, 687:14, 688:24, 689:1, 713:25, 714:7, 744:11, 813:8, 830:7</p> <p>sidebar [2] - 803:22, 804:13</p> <p>sides [16] - 61:11, 118:12, 146:19, 410:12, 417:21, 427:6, 427:7, 496:19, 528:11, 554:18, 554:20, 650:20, 664:11, 697:24, 766:16, 820:5</p> <p>siding [1] - 347:10</p> <p>Sierra [4] - 73:23, 83:1, 84:16, 483:6</p> <p>sight [5] - 14:24, 19:12, 74:18, 116:17,</p>	<p>828:20</p> <p>sighted [1] - 526:25</p> <p>sign [12] - 1:18, 3:4, 60:11, 99:8, 263:2, 266:21, 355:10, 368:15, 550:9, 828:9, 835:13</p> <p>sign-in [1] - 1:18</p> <p>sign-up [1] - 3:4</p> <p>signage [1] - 254:16</p> <p>signal [1] - 403:6</p> <p>signatures [4] - 169:21, 847:8, 847:12, 847:13</p> <p>signed [11] - 20:23, 49:19, 491:19, 564:24, 639:4, 786:13, 786:17, 835:20, 858:17, 882:11, 890:22</p> <p>significance [11] - 289:22, 319:22, 324:24, 369:6, 369:8, 423:3, 627:21, 685:19, 695:5, 743:3, 746:24</p> <p>significant [106] - 27:7, 41:24, 42:3, 42:6, 43:18, 65:15, 68:11, 104:9, 134:12, 173:12, 190:17, 201:4, 201:24, 214:14, 236:22, 244:24, 246:24, 249:21, 253:20, 260:23, 265:21, 268:20, 271:9, 307:5, 309:13, 311:19, 312:4,</p>	<p>323:7, 347:9, 347:25, 348:5, 348:12, 350:20, 354:4, 356:2, 356:13, 366:13, 379:18, 405:4, 419:18, 419:21, 420:3, 420:25, 423:6, 425:23, 427:21, 428:2, 428:11, 428:14, 429:9, 432:4, 446:20, 446:21, 449:20, 464:20, 469:8, 476:12, 487:25, 489:20, 494:25, 498:9, 526:21, 554:13, 575:6, 585:25, 596:5, 616:11, 636:14, 649:3, 650:12, 654:1, 654:15, 669:7, 677:4, 679:8, 682:6, 685:20, 685:24, 721:21, 740:9, 745:3, 746:1, 747:2, 747:4, 748:6, 748:11, 749:13, 775:8, 776:3, 776:5, 788:3, 805:7, 805:8, 807:15, 809:12, 811:24, 814:8, 819:4, 820:23, 821:1, 828:24, 833:20, 844:24, 847:16, 857:14, 876:24</p> <p>significantly [14] - 109:6, 167:22, 294:1, 351:9, 381:6, 381:8, 396:13, 421:4, 429:21, 575:22, 663:16, 669:25, 728:5, 811:22</p> <p>signing [2] - 786:11,</p>	<p>858:20</p> <p>signs [4] - 68:19, 104:14, 579:12, 825:20</p> <p>Silas [1] - 37:1</p> <p>silent [1] - 18:20</p> <p>silhouette [1] - 243:6</p> <p>silhouetted [1] - 692:23</p> <p>Silicon [1] - 117:4</p> <p>silos [2] - 705:17, 705:24</p> <p>silver [1] - 55:8</p> <p>Silvia [3] - 457:17, 463:16, 847:3</p> <p>SILVIA [1] - 463:16</p> <p>similar [36] - 46:24, 93:9, 131:16, 176:22, 177:16, 188:22, 189:1, 194:11, 195:8, 204:3, 213:5, 213:7, 216:21, 269:21, 270:4, 298:14, 354:19, 364:24, 364:25, 405:20, 407:22, 408:17, 454:16, 534:12, 542:3, 582:2, 634:1, 645:21, 645:23, 648:9, 651:1, 651:11, 705:19, 714:12, 835:22, 883:9</p> <p>similarities [1] - 93:1</p> <p>similarity [1] - 375:4</p> <p>similarly [1] - 358:2</p> <p>Similarly [3] - 153:6, 196:19, 358:5</p>	<p>simple [14] - 5:17, 37:14, 64:24, 97:3, 192:8, 223:24, 277:18, 280:25, 599:25, 704:3, 776:21, 835:15, 885:8, 886:14</p> <p>simplest [1] - 37:24</p> <p>simplify [1] - 857:15</p> <p>simplistic [1] - 693:13</p> <p>simply [21] - 61:9, 150:16, 171:16, 187:10, 215:20, 284:18, 378:11, 391:20, 418:18, 420:21, 484:3, 609:11, 627:4, 627:20, 710:15, 710:21, 712:17, 736:24, 753:5, 871:23, 891:21</p> <p>simulate [1] - 216:19</p> <p>simulated [3] - 664:3, 704:14, 736:1</p> <p>simulates [1] - 217:8</p> <p>Simulation [2] - 661:13, 662:24</p> <p>simulation [26] - 10:13, 224:13, 226:18, 316:11, 560:24, 576:1, 605:1, 605:3, 605:19, 605:20, 607:24, 632:22, 633:5, 637:11, 637:13, 661:14, 661:25, 662:20,</p>	<p>677:25, 678:2, 688:6, 689:20, 690:6, 704:15, 704:17, 704:19</p> <p>simulations [48] - 221:8, 240:2, 250:4, 323:2, 327:5, 328:14, 346:16, 346:23, 502:8, 502:9, 582:8, 582:10, 600:20, 601:9, 601:24, 605:10, 605:11, 605:22, 606:12, 609:8, 609:13, 632:2, 632:9, 632:16, 633:12, 633:21, 635:24, 637:15, 637:17, 637:18, 637:22, 645:25, 646:2, 646:10, 660:20, 661:14, 662:2, 662:14, 662:20, 663:24, 668:7, 678:8, 678:17, 688:20, 692:12, 692:13, 704:11, 736:5</p> <p>simulator [1] - 673:12</p> <p>simultaneo us [1] - 796:11</p> <p>simultaneo usly [1] - 342:8</p> <p>sincere [3] - 72:14, 445:14, 535:16</p> <p>Sincerely [1] - 75:10</p> <p>sing [1] - 560:13</p> <p>singing [1] - 556:3</p> <p>single [28] - 66:23, 67:5, 111:10, 142:9, 145:18,</p>
--	---	---	--	--	--	---

<p>145:20, 296:8, 337:2, 352:9, 357:14, 358:3, 376:22, 397:4, 407:9, 454:21, 507:16, 509:17, 576:1, 596:8, 712:10, 728:19, 728:21, 729:2, 795:7, 808:6, 825:17, 839:25, 856:13</p> <p>single-issue [1] - 808:6</p> <p>singled [1] - 526:22</p> <p>singular [2] - 17:6, 247:20</p> <p>sit [11] - 68:23, 223:18, 468:19, 497:16, 512:24, 512:25, 570:2, 570:3, 570:5, 803:16, 830:7</p> <p>Site [1] - 171:19</p> <p>site [179] - 9:4, 13:5, 17:17, 26:12, 45:2, 48:6, 53:13, 79:5, 85:14, 85:15, 86:11, 93:14, 98:18, 113:5, 128:18, 130:18, 147:22, 161:20, 164:15, 165:24, 166:15, 167:6, 167:7, 170:15, 170:23, 171:3, 171:9, 172:10, 172:21, 173:12, 173:16, 173:17, 173:20, 173:25, 174:8, 174:9, 177:21, 178:24, 186:2, 191:11, 191:24, 192:3, 193:12, 194:5, 195:13,</p>	<p>195:14, 195:15, 196:4, 197:13, 198:12, 198:16, 202:8, 203:2, 211:5, 212:2, 216:24, 217:1, 218:7, 243:4, 291:15, 298:10, 304:9, 304:15, 304:18, 307:1, 311:21, 345:7, 350:13, 350:14, 350:15, 350:18, 351:1, 352:23, 354:16, 354:20, 354:22, 355:2, 355:7, 355:16, 361:1, 362:5, 367:23, 377:14, 378:13, 392:20, 392:23, 398:2, 421:11, 428:8, 437:17, 438:18, 440:13, 447:16, 449:14, 449:15, 449:18, 454:17, 461:15, 461:16, 461:20, 461:21, 465:19, 471:23, 480:15, 489:6, 489:13, 489:21, 493:11, 496:20, 499:2, 499:16, 548:3, 569:4, 578:19, 604:13, 647:19, 647:23, 648:2, 664:5, 675:17, 683:9, 687:3, 694:7, 694:12, 694:13, 694:19, 694:20, 695:2, 695:3, 695:4, 696:11, 699:4,</p>	<p>706:21, 708:22, 717:10, 720:13, 724:25, 726:11, 729:18, 729:22, 733:25, 736:2, 740:19, 744:4, 753:20, 753:21, 754:8, 758:21, 759:13, 766:12, 766:13, 766:20, 766:25, 773:4, 777:6, 809:18, 811:5, 811:8, 812:7, 812:14, 812:18, 812:25, 813:12, 813:15, 814:6, 814:10, 850:12, 850:13, 850:14, 850:21, 850:25, 851:5, 863:10</p> <p>site-specific [2] - 304:15, 304:18</p> <p>sited [10] - 17:10, 240:6, 445:9, 456:15, 578:12, 682:22, 805:9, 807:1, 807:14, 809:22</p> <p>sites [78] - 43:13, 56:5, 72:19, 79:7, 79:8, 79:11, 86:9, 87:7, 104:5, 140:19, 166:12, 166:15, 169:11, 171:1, 171:20, 171:21, 172:5, 191:19, 197:19, 203:24, 206:10, 212:14, 213:9, 214:22, 216:25, 230:10,</p>	<p>242:12, 244:5, 244:10, 310:24, 429:21, 445:8, 446:2, 453:25, 456:18, 456:22, 487:14, 489:19, 490:17, 530:8, 549:2, 630:15, 647:22, 681:10, 682:2, 683:1, 684:1, 695:13, 696:11, 721:11, 733:17, 733:18, 739:25, 745:4, 745:12, 745:16, 755:18, 790:4, 790:8, 790:23, 791:6, 812:8, 812:9, 813:7, 813:9, 814:2, 820:9, 820:12, 826:22, 844:4, 844:6, 850:21, 851:1, 851:10</p> <p>sites' [1] - 813:18</p> <p>siting [20] - 150:10, 173:11, 224:6, 408:19, 429:3, 445:11, 456:10, 457:24, 489:2, 490:15, 490:20, 490:22, 492:7, 535:20, 563:19, 681:20, 694:19, 731:19, 735:2, 807:4</p> <p>sits [1] - 492:17</p> <p>sitting [6] - 97:9, 238:10, 538:3, 540:1, 612:9, 664:6</p> <p>situated [2] - 257:5, 378:6</p> <p>situation [24] - 98:7, 105:9, 129:15, 168:3,</p>	<p>218:24, 377:21, 438:10, 441:1, 476:24, 480:8, 498:19, 514:8, 617:24, 632:25, 633:6, 647:20, 653:5, 653:21, 668:13, 669:6, 672:25, 692:24, 789:24, 851:18</p> <p>situations [7] - 269:21, 396:12, 636:17, 693:1, 695:8, 696:16, 887:5</p> <p>Six [1] - 412:22</p> <p>six [25] - 76:22, 76:23, 113:22, 153:13, 361:19, 361:20, 374:25, 378:18, 379:21, 380:10, 469:19, 469:23, 473:9, 489:25, 506:21, 614:17, 727:24, 748:14, 748:19, 764:2, 778:1, 806:11, 851:17, 879:15</p> <p>six-area [1] - 374:25</p> <p>six-town [1] - 374:25</p> <p>size [29] - 19:17, 89:1, 130:20, 167:14, 250:16, 262:12, 313:6, 341:5, 378:9, 379:7, 408:12, 408:24, 421:19, 573:11, 577:2, 577:12, 577:23,</p>	<p>605:24, 606:2, 606:8, 609:23, 638:11, 662:4, 678:19, 720:5, 733:20, 792:1, 866:16</p> <p>sizeable [1] - 873:13</p> <p>sized [2] - 254:4, 763:7</p> <p>sizes [1] - 351:4</p> <p>sizing [3] - 181:12, 181:16, 431:11</p> <p>skallowed [7] - 756:17</p> <p>sketch [1] - 770:7</p> <p>Ski [3] - 256:16, 806:1</p> <p>ski [102] - 13:20, 15:3, 18:11, 27:10, 55:13, 61:14, 70:18, 74:8, 74:10, 75:2, 129:1, 172:6, 213:11, 226:9, 226:14, 226:21, 226:22, 233:13, 233:15, 240:22, 240:23, 240:25, 241:5, 249:4, 267:15, 295:6, 295:22, 296:13, 297:9, 328:16, 328:25, 329:4, 329:14, 346:18, 388:14, 388:16, 388:18, 446:6, 462:5, 462:6, 471:16, 538:12, 547:1, 547:6, 547:15, 601:21, 618:25, 619:4, 620:23, 621:13, 621:16, 621:19, 621:20, 621:22, 622:3,</p>	<p>622:7, 632:4, 636:5, 637:5, 654:4, 654:13, 663:2, 664:12, 666:7, 666:8, 666:9, 666:24, 667:21, 670:17, 677:13, 684:25, 687:13, 687:18, 688:17, 688:18, 689:14, 689:17, 689:22, 691:17, 691:21, 701:20, 702:14, 702:24, 703:5, 703:9, 711:2, 732:12, 732:17, 732:19, 733:2, 738:5, 738:11, 738:23, 741:21, 743:15, 743:22, 747:12, 750:3, 806:2, 889:25</p> <p>skid [1] - 229:21</p> <p>skied [2] - 58:20, 538:10</p> <p>skiers [6] - 60:18, 329:11, 566:25, 667:14, 691:20, 891:13</p> <p>skies [3] - 38:1, 467:12, 667:15</p> <p>skiing [12] - 62:12, 70:20, 102:17, 102:22, 255:12, 255:16, 462:8, 548:20, 667:21, 667:23, 738:8, 738:9</p> <p>skills [2] - 575:17, 662:8</p> <p>skinny [1] - 659:18</p>
---	---	---	---	--	---	--

<p>skip [3] - 459:15, 712:12, 797:13</p> <p>skis [1] - 58:20</p> <p>skittering [1] - 599:1</p> <p>Skowhegan [3] - 67:20, 508:9, 518:3</p> <p>sky [13] - 99:22, 108:9, 146:6, 223:1, 328:3, 391:21, 467:3, 560:12, 666:25, 669:14, 669:23, 670:7, 670:10</p> <p>skyline [3] - 111:7, 724:9, 736:16</p> <p>skyscrapers [1] - 668:21</p> <p>slack [1] - 29:15</p> <p>slash [2] - 391:22, 556:13</p> <p>slated [1] - 797:25</p> <p>sleep [1] - 553:25</p> <p>sleepy [1] - 148:12</p> <p>slid [2] - 214:25, 713:15</p> <p>slide [38] - 123:22, 138:19, 177:4, 177:12, 196:19, 196:24, 198:5, 198:12, 223:4, 230:13, 230:15, 230:24, 232:5, 257:20, 258:23, 259:6, 259:16, 261:7, 263:11, 263:24, 264:7, 264:8, 266:1, 324:2, 403:3, 406:4, 432:19, 453:10, 607:25, 715:21, 716:2,</p>	<p>732:22, 734:17, 734:21, 769:8, 781:19, 794:6</p> <p>slides [7] - 163:12, 221:25, 224:25, 426:14, 428:15, 718:12, 780:20</p> <p>slight [2] - 572:3, 678:20</p> <p>slightly [10] - 167:8, 206:11, 212:20, 425:19, 436:14, 807:6, 822:20, 834:3, 868:22, 884:20</p> <p>slope [21] - 31:23, 186:2, 196:9, 196:11, 204:7, 206:1, 208:1, 209:13, 210:5, 225:14, 291:21, 311:23, 393:24, 495:11, 687:13, 713:24, 714:16, 717:23, 717:24, 742:22, 773:24</p> <p>slopes [26] - 31:24, 32:1, 196:5, 197:1, 203:7, 208:7, 209:6, 212:10, 212:16, 215:4, 302:20, 478:3, 689:14, 689:17, 691:1, 708:23, 709:23, 711:2, 712:24, 713:12, 715:7, 715:8, 717:21, 743:20, 743:23</p> <p>slow [8] - 53:10, 211:19, 216:18, 416:2, 541:15, 555:23,</p>	<p>671:19, 672:1</p> <p>slow-on [1] - 672:1</p> <p>slow-on/ slow-off [1] - 671:19</p> <p>slower [1] - 459:19</p> <p>slowly [4] - 146:13, 325:23, 516:3, 800:5</p> <p>slows [2] - 448:7, 838:5</p> <p>sludge [1] - 532:23</p> <p>small [67] - 14:18, 18:25, 19:11, 19:18, 19:20, 20:24, 21:1, 22:22, 29:1, 29:23, 30:6, 30:12, 30:22, 61:16, 62:20, 63:14, 70:1, 98:9, 137:1, 137:5, 138:3, 167:17, 185:17, 192:21, 202:11, 202:17, 218:8, 230:5, 235:9, 242:24, 244:6, 251:23, 254:3, 254:5, 289:23, 299:19, 310:22, 389:18, 409:3, 410:9, 411:10, 411:16, 423:5, 464:20, 477:8, 483:1, 513:17, 525:17, 525:24, 531:16, 538:15, 548:24, 582:16, 681:22, 697:13, 710:22, 718:25, 742:22, 744:25, 745:17, 774:8, 800:8, 833:4, 833:9, 848:13, 870:20, 874:8</p> <p>Small [3] -</p>	<p>521:17, 521:19, 525:3</p> <p>SMALL [1] - 521:19</p> <p>small-scale [2] - 20:24, 21:1</p> <p>smaller [26] - 21:4, 43:12, 121:2, 121:3, 136:21, 173:1, 181:25, 194:1, 346:4, 346:10, 349:25, 350:3, 350:4, 419:24, 419:25, 475:20, 505:6, 571:4, 573:11, 573:18, 606:19, 608:13, 621:16, 668:5, 733:21, 788:17</p> <p>smart [3] - 82:21, 88:22, 90:18</p> <p>smarten [1] - 83:3</p> <p>Smithsonia n [2] - 299:24, 299:25</p> <p>smog [5] - 12:12, 55:11, 87:1, 164:13, 801:17</p> <p>smog-free [1] - 87:1</p> <p>smoke [6] - 50:3, 50:6, 137:24, 148:9, 568:6</p> <p>Smokey [5] - 614:17, 748:1, 802:15, 802:17, 802:23</p> <p>smooth [4] - 177:11, 245:21, 652:12, 657:4</p> <p>SMS [2] - 639:20, 640:11</p> <p>Snake [1] - 477:8</p> <p>snap [1] - 339:11</p> <p>snapshot [1] - 299:11</p>	<p>Snow [2] - 36:21, 123:19</p> <p>snow [28] - 27:9, 27:12, 27:15, 28:4, 28:5, 28:19, 58:20, 58:21, 61:17, 70:15, 70:17, 70:19, 102:17, 103:1, 126:9, 128:22, 255:16, 311:6, 311:8, 311:10, 314:15, 395:9, 562:16, 667:11, 799:13, 891:13</p> <p>snowing [1] - 145:8</p> <p>Snowmobil e [1] - 846:22</p> <p>snowmobile [3] - 27:11, 58:23, 59:7</p> <p>snowmobile rs [1] - 24:9</p> <p>snowmobile s [1] - 310:25</p> <p>snowmobili ng [6] - 45:7, 102:17, 255:12, 255:16, 532:24, 548:20</p> <p>so-called [5] - 95:14, 369:6, 502:8, 683:10, 873:6</p> <p>SO2 [5] - 403:20, 404:23, 405:7, 858:20, 867:4</p> <p>Social [1] - 705:4</p> <p>social [3] - 136:3, 139:25, 491:1</p> <p>Society [5] - 284:3, 483:6, 556:9, 716:25, 727:13</p> <p>society [7] - 56:4, 60:25, 67:4, 79:21, 92:16, 476:6, 535:25</p> <p>sociological [1] - 77:3</p>	<p>sociologists [1] - 68:1</p> <p>socked [1] - 617:11</p> <p>socks [2] - 322:23, 323:16</p> <p>soft [2] - 126:4, 213:23</p> <p>soften [2] - 215:7, 215:23</p> <p>software [4] - 600:20, 608:25, 609:1, 633:2</p> <p>Soil [1] - 217:25</p> <p>soil [44] - 198:7, 198:9, 202:7, 202:20, 203:2, 203:4, 203:18, 203:21, 203:22, 204:2, 204:8, 204:15, 204:16, 204:17, 205:5, 205:14, 214:24, 215:13, 216:15, 218:4, 218:19, 218:20, 218:23, 387:17, 392:18, 393:20, 394:3, 395:10, 395:19, 477:22, 477:25, 478:4, 485:5, 495:11, 504:12, 714:12, 715:13, 717:18, 718:20, 719:22, 720:10, 724:23, 771:13</p> <p>soils [31] - 195:21, 199:12, 203:1, 203:25, 204:13, 204:19, 206:2, 210:10, 210:11, 214:24,</p>	<p>286:22, 287:11, 709:23, 712:20, 712:23, 714:11, 718:3, 754:14, 756:4, 756:7, 768:20, 768:21, 769:3, 772:12, 772:13, 772:15, 772:16, 772:18</p> <p>Sokolov [2] - 407:21, 407:24</p> <p>solar [16] - 19:25, 22:22, 42:21, 70:24, 88:13, 114:13, 114:16, 136:21, 476:1, 500:7, 528:3, 528:19, 555:7, 817:4, 817:14</p> <p>Solar [2] - 47:10, 136:6</p> <p>solid [8] - 40:2, 172:18, 181:22, 280:9, 537:8, 823:12, 878:14, 882:14</p> <p>soldiers [2] - 114:25, 127:17</p> <p>solely [3] - 599:16, 636:7, 646:2</p> <p>solicited [1] - 14:1</p> <p>soliciting [1] - 822:23</p> <p>solid [2] - 29:3, 659:20</p> <p>solidify [1] - 28:9</p> <p>solidly [1] - 62:14</p> <p>solitude [3] - 475:15, 492:22, 686:2</p> <p>solution [14] - 69:14, 95:16, 106:7, 216:19, 219:1, 427:17, 430:24, 468:15, 471:9, 518:12, 558:7,</p>
--	---	--	--	--	--	---

<p>571:13, 586:12, 667:12</p> <p>solutions [8] - 54:10, 70:23, 77:2, 131:20, 468:16, 490:6, 586:14, 890:18</p> <p>solve [10] - 89:6, 111:23, 144:3, 411:11, 411:16, 470:12, 515:20, 528:4, 694:17, 761:5</p> <p>someday [3] - 81:17, 122:16, 547:19</p> <p>someone [27] - 47:21, 53:24, 69:17, 111:14, 130:3, 271:23, 278:19, 307:25, 308:13, 315:9, 458:13, 496:25, 497:1, 515:15, 515:19, 516:9, 530:11, 531:22, 532:3, 532:13, 559:4, 562:5, 622:17, 667:5, 700:6, 857:21, 858:24</p> <p>Someone [2] - 141:10, 479:12</p> <p>someplace [3] - 167:7, 409:21, 468:21</p> <p>Somerset [1] - 268:1</p> <p>something's [1] - 364:1</p> <p>Sometime [1] - 803:15</p> <p>sometime [4] - 39:19, 247:22, 591:25, 806:23</p> <p>Sometimes [2] - 65:23, 318:25</p> <p>sometimes</p>	<p>[11] - 31:6, 171:10, 191:23, 263:16, 395:20, 580:20, 587:17, 654:5, 856:19, 875:19</p> <p>Somewhat [1] - 298:17</p> <p>somewhat [14] - 175:13, 191:20, 589:1, 590:10, 598:23, 647:20, 648:8, 653:5, 661:20, 705:19, 706:12, 761:4, 834:15, 842:17</p> <p>somewhere [25] - 1:17, 11:4, 91:7, 116:4, 213:1, 215:10, 264:18, 265:6, 275:5, 275:11, 277:16, 278:6, 392:3, 428:23, 472:15, 472:18, 472:22, 529:11, 544:15, 592:24, 618:3, 655:16, 670:25, 858:2</p> <p>Somewhere [2] - 153:24, 472:12</p> <p>son [2] - 89:25, 566:22</p> <p>song [2] - 732:5, 733:14</p> <p>sons [2] - 129:24, 535:14</p> <p>soon [9] - 35:25, 53:7, 216:10, 218:10, 521:4, 565:19, 629:18, 837:9, 879:25</p> <p>soot [1] - 83:14</p> <p>sorry [45] - 5:4, 32:17,</p>	<p>48:25, 54:2, 64:19, 65:6, 67:13, 132:2, 143:15, 153:21, 230:24, 236:4, 277:3, 287:25, 294:11, 296:9, 300:17, 300:18, 302:18, 302:20, 317:4, 328:4, 330:24, 358:4, 373:3, 386:9, 411:9, 500:15, 569:16, 569:20, 569:21, 570:7, 577:7, 614:13, 634:20, 641:10, 758:3, 763:5, 770:17, 815:18, 863:14, 875:4, 882:5, 884:15, 890:24</p> <p>Sorry [5] - 36:10, 297:23, 301:1, 473:25, 691:16</p> <p>sort [71] - 82:16, 101:15, 101:24, 145:18, 145:22, 147:2, 153:19, 186:3, 189:7, 189:15, 215:21, 215:24, 225:12, 239:22, 258:23, 269:10, 276:13, 280:25, 287:5, 290:23, 292:20, 293:5, 299:12, 299:13, 301:16, 339:17, 352:25, 354:7, 392:17, 445:10, 472:6, 503:9, 503:15, 503:24, 505:10, 591:7, 605:19, 613:3, 616:14, 620:22, 621:5,</p>	<p>621:17, 628:6, 630:21, 637:12, 654:19, 656:11, 661:23, 673:2, 687:7, 689:7, 697:20, 698:5, 698:10, 700:12, 734:8, 755:11, 758:18, 760:2, 774:1, 777:12, 788:23, 791:2, 792:7, 794:12, 802:1, 807:4, 836:7, 848:8, 855:1</p> <p>sorted [1] - 448:21</p> <p>sought [2] - 109:2, 655:7</p> <p>Sound [2] - 375:1, 845:15</p> <p>sound [6] - 1:20, 156:25, 293:3, 422:22, 445:3, 803:16</p> <p>sound-wise [1] - 445:3</p> <p>sounded [1] - 240:8</p> <p>sounds [14] - 53:11, 191:14, 213:7, 214:6, 214:9, 290:20, 349:22, 382:11, 411:6, 438:13, 759:8, 779:6, 866:9, 885:7</p> <p>source [43] - 39:14, 40:10, 48:10, 55:21, 64:7, 89:12, 145:6, 236:25, 266:4, 275:6, 292:6, 292:12, 292:14, 292:25, 383:3, 383:17, 422:25, 457:10, 458:11, 462:24, 470:14, 481:21, 506:6, 508:20, 581:25, 582:16, 605:2,</p>	<p>718:17, 718:21, 719:9, 719:12, 719:24, 720:18, 721:9, 730:9, 739:23, 805:8, 836:3, 841:20, 841:24, 866:2, 881:9</p> <p>sources [54] - 20:1, 23:2, 23:5, 42:13, 42:14, 42:16, 43:16, 45:1, 51:1, 53:16, 55:1, 59:23, 59:25, 99:5, 109:9, 127:18, 128:2, 135:3, 136:5, 144:15, 145:15, 152:18, 174:3, 182:25, 256:19, 263:8, 337:13, 339:10, 341:1, 341:2, 411:3, 469:15, 469:16, 482:18, 492:9, 498:23, 500:13, 545:3, 553:23, 719:1, 799:9, 808:11, 822:3, 822:19, 837:18, 837:24, 852:6, 855:18, 857:20, 863:25, 864:7, 864:21, 873:7</p> <p>South [9] - 36:18, 69:11, 75:10, 120:1, 143:18, 483:11, 504:5, 605:6, 887:4</p> <p>south [11] - 58:2, 86:8, 110:7, 112:5, 232:9, 402:5, 453:12, 544:1, 739:4, 742:11, 876:6</p> <p>southbound [1] - 738:24</p> <p>southeast [1] - 317:23</p> <p>southeaster</p>	<p>n [1] - 564:3</p> <p>southerly [1] - 146:18</p> <p>southern [16] - 70:11, 85:23, 102:6, 102:11, 129:5, 148:19, 149:6, 342:13, 343:5, 343:16, 402:6, 460:17, 482:2, 519:17, 532:21, 820:1</p> <p>Southern [6] - 76:9, 77:15, 84:9, 85:3, 86:1, 262:5</p> <p>southwest [2] - 492:15, 748:3</p> <p>SOX [2] - 871:15, 871:16</p> <p>space [4] - 89:2, 183:16, 463:23, 671:17</p> <p>spaced [1] - 199:1</p> <p>spaces [1] - 100:15</p> <p>spacial [1] - 654:2</p> <p>spacing [1] - 367:16</p> <p>spacious [2] - 38:1, 467:12</p> <p>Spalding [2] - 133:17, 134:20</p> <p>SPALDING [3] - 134:21, 134:25, 139:13</p> <p>span [1] - 202:24</p> <p>spans [1] - 460:8</p> <p>spared [1] - 205:17</p> <p>sparing [1] - 150:19</p> <p>sparkle [1] - 27:14</p> <p>sparsely [1] - 376:4</p> <p>spatial [1] - 661:12</p> <p>Spaulding [16] - 123:19, 134:25,</p>	<p>605:14, 607:6, 607:16, 607:18, 608:2, 614:2, 625:11, 625:16, 690:4, 690:5, 697:3, 700:8, 700:22, 735:19</p> <p>SPAULDING [1] - 138:24</p> <p>speaker [4] - 63:12, 174:12, 507:24, 559:10</p> <p>speakers [7] - 121:11, 446:17, 518:9, 519:16, 524:7, 534:4, 803:18</p> <p>speaking [27] - 16:7, 44:20, 65:24, 141:15, 147:11, 163:17, 236:23, 313:8, 313:9, 333:11, 357:23, 362:24, 390:3, 426:19, 444:19, 447:5, 465:6, 471:1, 487:11, 500:4, 534:1, 554:9, 558:8, 791:24, 815:21, 816:9, 834:24</p> <p>Speaking [2] - 493:18, 641:4</p> <p>speaks [1] - 705:12</p> <p>spear [1] - 785:9</p> <p>Spec [2] - 478:14, 497:23</p> <p>special [42] - 35:11, 35:12, 35:13, 86:22, 100:5, 100:6, 132:14, 175:14, 309:3, 309:12, 321:21, 324:23, 405:11, 427:11, 431:7, 447:13, 455:11, 457:6, 460:8, 488:21,</p>
---	---	---	--	--	--	--

<p>490:12, 493:12, 497:8, 499:1, 522:10, 522:12, 579:13, 597:9, 599:14, 644:19, 650:6, 659:23, 738:19, 741:24, 749:1, 763:14, 802:24, 864:16, 864:17, 881:16, 881:18</p> <p>specialist [9] - 176:1, 299:16, 300:6, 300:9, 301:22, 355:21, 355:22, 600:18, 689:13</p> <p>specialize [1] - 195:4</p> <p>specialized [4] - 178:24, 848:4, 854:10, 854:11</p> <p>specializing [2] - 64:21, 525:18</p> <p>specially [2] - 723:23, 763:8</p> <p>specialty [2] - 143:20, 310:11</p> <p>specie [1] - 760:23</p> <p>species [72] - 18:22, 66:4, 66:6, 66:8, 66:12, 66:16, 66:20, 66:23, 66:25, 67:1, 67:5, 69:3, 82:11, 102:10, 102:13, 122:2, 146:2, 146:19, 146:23, 206:20, 210:22, 211:4, 211:9, 212:6, 214:4, 229:7, 232:15, 232:24, 233:2, 234:13, 236:19, 242:24, 295:1,</p>	<p>295:9, 295:13, 297:1, 297:17, 297:19, 300:9, 301:8, 302:6, 389:18, 389:21, 390:3, 415:4, 415:5, 415:6, 541:21, 542:9, 542:19, 542:22, 565:18, 720:10, 722:6, 722:8, 722:24, 728:6, 728:8, 729:14, 729:16, 730:9, 730:10, 742:7, 758:2, 760:18, 760:21, 773:8, 804:4, 825:9, 826:21</p> <p>Species [2] - 728:4, 731:7</p> <p>specific [41] - 146:1, 194:5, 195:19, 212:23, 214:8, 226:1, 293:25, 298:21, 304:15, 304:18, 319:3, 320:7, 320:18, 365:16, 367:17, 371:25, 381:16, 386:5, 393:9, 395:5, 405:1, 423:22, 424:11, 431:8, 431:21, 461:6, 485:1, 485:25, 492:4, 717:10, 725:23, 752:16, 790:4, 796:12, 811:7, 827:7, 850:13, 860:6, 870:16</p> <p>specifically [27] - 41:21, 71:20, 102:1, 210:25, 232:5, 232:16, 233:12, 235:23, 259:15, 269:23, 298:7, 317:1, 320:12, 359:11, 400:4, 414:18, 415:17, 496:15, 499:4,</p>	<p>535:7, 674:19, 727:14, 774:16, 831:12, 841:15, 866:25, 870:15</p> <p>specificatio n [1] - 197:24</p> <p>specificatio ns [4] - 172:24, 207:15, 704:18, 704:20</p> <p>specifics [5] - 101:6, 152:16, 295:18, 783:2, 842:2</p> <p>specified [6] - 2:25, 4:9, 9:6, 155:23, 161:23, 762:22</p> <p>specificies [1] - 437:2</p> <p>spectacular [8] - 99:23, 106:2, 489:15, 535:12, 596:17, 684:18, 696:5, 810:24</p> <p>speculate [2] - 863:6, 880:5</p> <p>speculation [1] - 880:5</p> <p>speculative [2] - 371:18, 877:6</p> <p>speech [3] - 66:1, 109:21, 153:25</p> <p>speed [11] - 28:19, 28:21, 28:25, 43:14, 191:6, 191:13, 191:15, 192:5, 192:9, 210:9, 787:19</p> <p>speeds [7] - 29:4, 29:10, 144:10, 191:7, 191:23, 192:10, 193:20</p> <p>spelled [1] - 824:13</p> <p>SPENCER [34] - 6:3,</p>	<p>157:23, 162:21, 393:8, 414:9, 414:13, 442:8, 442:11, 590:14, 590:23, 591:22, 593:13, 594:14, 620:17, 623:5, 623:8, 623:10, 624:10, 624:16, 624:20, 669:10, 696:20, 696:25, 698:12, 698:15, 753:11, 753:13, 753:16, 755:6, 757:3, 757:7, 757:20, 757:24, 760:9</p> <p>Spencer [6] - 1:18, 5:11, 155:7, 483:16, 592:23, 721:17</p> <p>Spencer- Famous [4] - 1:18, 5:11, 155:7, 592:23</p> <p>SPENCER- FAMOUS [34] - 6:3, 157:23, 162:21, 393:8, 414:9, 414:13, 442:8, 442:11, 590:14, 590:23, 591:22, 593:13, 594:14, 620:17, 623:5, 623:8, 623:10, 624:10, 624:16, 624:20, 669:10, 696:20, 696:25, 698:12, 698:15, 753:11, 753:13, 753:16, 755:6, 757:3, 757:7, 757:20,</p>	<p>757:24, 760:9</p> <p>spend [18] - 70:8, 91:12, 94:4, 133:21, 230:12, 242:20, 421:3, 503:11, 535:14, 565:17, 597:17, 674:3, 729:16, 849:10, 849:14, 854:3, 854:6, 854:18</p> <p>spending [2] - 42:23, 375:2</p> <p>spends [1] - 749:7</p> <p>spent [27] - 13:4, 50:15, 60:16, 65:13, 113:19, 209:10, 228:16, 229:1, 232:24, 233:6, 233:7, 304:2, 466:3, 478:12, 482:5, 501:3, 538:17, 540:15, 542:17, 543:11, 546:5, 552:10, 552:19, 735:22, 771:23, 836:17, 875:21</p> <p>sphagnum [1] - 397:14</p> <p>sphagnum- dominated [1] - 397:14</p> <p>spine [1] - 90:21</p> <p>spinning [4] - 90:25, 91:6, 144:10, 733:23</p> <p>spiraling [1] - 821:7</p> <p>spirit [5] - 4:25, 62:15, 105:20, 105:21, 488:19</p> <p>spiritual [4] - 74:11, 74:18, 488:7, 488:15</p> <p>split [4] -</p>	<p>197:14, 197:15, 284:8, 668:23</p> <p>Spoil [1] - 37:3</p> <p>spoiled [1] - 458:12</p> <p>spoken [6] - 114:10, 134:10, 518:21, 526:10, 539:5, 539:7</p> <p>spokesman [1] - 283:4</p> <p>spokespers on [1] - 595:9</p> <p>sponsor [1] - 186:19</p> <p>sponsored [1] - 43:6</p> <p>spores [1] - 214:18</p> <p>sporting [1] - 94:8</p> <p>sports [3] - 52:18, 186:19, 265:24</p> <p>spot [5] - 13:16, 30:7, 140:12, 673:25, 893:24</p> <p>spotlight [1] - 391:20</p> <p>spots [3] - 14:21, 123:8, 313:2</p> <p>spotted [3] - 713:8, 713:17</p> <p>Spotted [1] - 36:21</p> <p>sprawl [2] - 79:12, 488:24</p> <p>spread [4] - 273:23, 405:6, 784:9, 865:9</p> <p>spreading [4] - 167:21, 782:22, 783:1, 784:14</p> <p>spreads [1] - 783:4</p> <p>spreadsheet [1] - 670:24</p> <p>spreadsheet s [1] - 433:12</p> <p>spring [12] - 57:20, 68:5, 103:4, 103:5,</p>	<p>218:12, 302:10, 303:5, 388:12, 720:1, 720:3, 738:9, 772:24</p> <p>Spring [1] - 477:6</p> <p>Springer [2] - 472:9, 614:16</p> <p>Springs [2] - 202:16, 847:1</p> <p>sprinkled [1] - 525:3</p> <p>spruce [10] - 102:5, 146:21, 229:15, 406:16, 477:23, 619:22, 729:22, 729:23, 826:14</p> <p>spruce/fir [2] - 792:9, 800:9</p> <p>square [4] - 37:2, 98:17, 209:20, 709:18</p> <p>squirrels [1] - 560:14</p> <p>St [3] - 59:4, 141:1, 503:14</p> <p>stability [5] - 210:8, 213:20, 369:24, 818:14, 884:13</p> <p>stabilization [1] - 207:5</p> <p>stabilize [3] - 254:6, 407:19, 508:25</p> <p>stabilized [1] - 214:2</p> <p>stabilizers [1] - 198:10</p> <p>stabilizing [1] - 216:10</p> <p>stable [7] - 100:25, 204:8, 243:15, 585:22, 588:6, 721:21, 823:24</p> <p>stable- based [1] - 588:6</p> <p>stack [6] - 50:4, 50:6, 148:9, 222:11,</p>
---	---	--	--	--	--	--

<p>637:4, 660:25</p> <p>Staff [4] - 8:6, 8:19, 160:15, 308:18</p> <p>staff [62] - 1:16, 1:21, 5:11, 6:3, 6:5, 7:16, 7:22, 7:25, 8:4, 8:16, 10:4, 41:11, 109:25, 155:4, 155:6, 156:1, 156:12, 156:13, 157:14, 157:21, 157:23, 159:22, 159:24, 160:4, 160:9, 160:13, 161:19, 175:2, 175:20, 179:1, 179:2, 195:9, 203:14, 204:23, 206:18, 308:17, 413:8, 416:25, 418:3, 544:2, 592:23, 593:16, 594:15, 595:19, 613:5, 624:23, 625:6, 626:1, 626:6, 639:6, 639:8, 639:14, 700:7, 727:12, 739:17, 768:14, 797:20, 797:22, 798:11, 893:8, 893:18</p> <p>staffing [1] - 377:21</p> <p>stage [11] - 53:1, 201:10, 258:15, 427:13, 724:16, 755:8, 755:9, 770:1, 787:19, 787:23</p> <p>stages [1] - 201:16</p> <p>staging [1] - 198:14</p> <p>stagnant [13] - 288:8, 298:12,</p>	<p>298:14, 298:15, 298:23, 393:20, 729:11, 729:13, 730:3, 730:24, 731:2, 761:19, 762:4</p> <p>stake [5] - 43:22, 51:18, 82:7, 490:10, 877:13</p> <p>stakeholder [13] - 160:19, 398:17, 731:18, 784:23, 785:16, 786:12, 787:2, 787:5, 788:18, 788:23, 789:1, 796:14</p> <p>stakeholder s [7] - 8:9, 160:6, 160:21, 258:2, 681:12, 786:16, 787:3</p> <p>Stan [2] - 533:23, 534:1</p> <p>stand [30] - 5:4, 5:5, 9:25, 18:4, 20:22, 33:13, 36:16, 49:23, 51:8, 56:21, 62:14, 73:3, 74:22, 154:17, 157:16, 288:1, 345:3, 365:8, 394:21, 458:4, 493:22, 516:4, 567:23, 606:3, 608:18, 608:19, 616:16, 653:2, 659:7, 729:23</p> <p>standard [52] - 210:20, 222:15, 246:23, 246:24, 346:23, 409:14, 409:24, 432:17, 432:22, 461:8, 490:8, 498:20, 498:21, 499:20, 511:2, 511:9, 511:10,</p>	<p>511:21, 596:12, 600:19, 609:3, 639:20, 659:2, 659:6, 659:13, 695:19, 716:9, 763:19, 764:15, 764:23, 764:24, 765:23, 819:1, 838:8, 838:17, 839:2, 839:7, 846:1, 852:9, 857:1, 857:4, 860:21, 863:23, 864:3, 864:11, 864:24, 872:21, 873:7, 879:3, 880:20</p> <p>Standards [3] - 3:2, 155:25, 745:23</p> <p>standards [27] - 134:11, 175:9, 220:10, 248:3, 259:21, 272:20, 273:5, 274:11, 319:17, 369:22, 426:25, 498:13, 498:14, 501:19, 512:5, 517:2, 627:7, 723:22, 763:6, 763:11, 763:12, 763:22, 819:11, 852:7, 863:23, 865:20, 865:23</p> <p>standby [2] - 109:14, 265:2</p> <p>standing [3] - 29:8, 109:18, 249:13</p> <p>STANDISH [1] - 482:24</p> <p>Standish [3] - 477:4, 482:22, 482:25</p> <p>standpoint [3] - 199:21, 818:6, 828:5</p>	<p>stands [4] - 76:16, 124:3, 523:21, 826:15</p> <p>Stanley [1] - 556:24</p> <p>staple [1] - 207:16</p> <p>stapled [1] - 208:9</p> <p>staring [1] - 407:7</p> <p>starlight [1] - 673:3</p> <p>stars [3] - 99:24, 467:2, 560:12</p> <p>start [51] - 21:3, 21:7, 22:2, 67:4, 77:13, 96:15, 170:21, 194:23, 241:14, 242:17, 258:16, 264:12, 264:16, 282:18, 282:19, 282:24, 283:3, 284:21, 285:2, 287:2, 338:8, 340:13, 359:21, 373:13, 395:25, 410:10, 455:16, 484:8, 512:12, 545:4, 547:11, 559:19, 567:22, 633:12, 647:12, 657:17, 657:18, 657:19, 660:5, 687:6, 707:23, 751:8, 751:9, 753:13, 773:19, 799:2, 801:11, 834:6, 863:12, 877:22</p> <p>started [21] - 63:4, 117:6, 140:2, 216:7, 252:9, 256:4, 328:4, 434:4,</p>	<p>503:25, 513:17, 546:12, 592:7, 592:18, 595:10, 628:21, 634:23, 650:21, 710:15, 756:14, 812:9, 815:7</p> <p>starting [15] - 41:19, 85:4, 154:2, 220:23, 234:19, 253:2, 253:3, 344:17, 414:19, 432:20, 436:5, 496:8, 598:14, 687:6, 706:7</p> <p>starts [9] - 1:6, 118:15, 242:16, 396:5, 658:14, 797:20, 804:15, 837:1</p> <p>State [79] - 5:22, 7:16, 7:21, 8:8, 16:21, 18:4, 22:1, 25:21, 100:24, 101:4, 136:25, 159:22, 159:25, 160:19, 168:12, 173:11, 197:6, 202:13, 215:13, 229:2, 316:20, 316:22, 317:4, 319:22, 319:25, 321:3, 321:13, 322:3, 332:9, 345:23, 386:14, 387:16, 392:17, 414:1, 426:23, 443:20, 462:22, 474:19, 478:12, 480:3, 480:17, 484:1, 487:22, 487:23, 488:4, 491:16, 491:20, 496:12, 501:4, 506:4, 599:21,</p>	<p>614:19, 614:20, 625:18, 632:4, 647:24, 676:9, 679:19, 686:5, 729:19, 741:2, 741:6, 741:12, 747:3, 748:25, 763:21, 765:3, 771:14, 818:18, 819:7, 831:25, 832:10, 842:21, 842:25, 859:24, 871:2, 882:12, 882:24</p> <p>state [193] - 3:8, 11:18, 11:21, 12:3, 13:6, 13:14, 14:14, 15:6, 15:20, 17:25, 19:20, 20:2, 24:17, 35:10, 35:21, 38:13, 41:18, 41:24, 42:1, 42:3, 42:7, 42:24, 44:21, 46:11, 49:22, 50:5, 50:14, 54:24, 57:1, 62:3, 62:18, 62:25, 67:20, 70:25, 76:22, 77:6, 78:16, 78:17, 81:18, 83:23, 87:23, 87:24, 89:8, 93:16, 95:3, 95:4, 95:25, 96:18, 97:17, 99:8, 100:5, 100:16, 101:13, 102:25, 108:21, 112:24, 117:12, 118:11, 118:16, 118:18, 120:22, 124:10, 126:10, 126:21, 127:6, 127:14, 127:22, 127:24, 127:25, 128:1,</p>	<p>128:4, 130:5, 130:11, 134:2, 156:18, 164:6, 164:10, 166:3, 166:11, 168:22, 169:23, 180:12, 180:14, 181:4, 185:19, 200:16, 202:18, 220:8, 249:15, 268:2, 277:13, 297:17, 319:21, 320:4, 322:24, 326:24, 336:20, 344:11, 353:9, 358:14, 358:15, 359:5, 382:4, 392:9, 397:1, 399:13, 402:2, 417:21, 418:14, 429:10, 440:12, 459:12, 469:11, 485:25, 488:25, 489:19, 490:16, 491:2, 492:16, 497:3, 503:2, 504:14, 507:16, 508:1, 508:25, 509:1, 509:16, 511:19, 513:21, 520:10, 522:11, 522:20, 522:24, 526:9, 528:13, 530:25, 532:20, 533:3, 533:19, 537:6, 538:4, 538:19, 544:16, 551:1, 553:13, 553:18, 554:14, 554:23, 558:18, 558:19, 558:22, 566:5, 566:21, 585:18, 585:23,</p>
---	---	---	---	---	--	--

<p>590:18, 593:20, 596:14, 596:17, 623:16, 655:2, 685:15, 685:17, 694:25, 724:9, 726:14, 730:17, 741:4, 741:6, 742:1, 744:6, 745:16, 748:14, 748:22, 775:16, 809:14, 811:4, 819:25, 820:2, 820:5, 821:14, 835:7, 841:10, 844:1, 852:8, 860:23, 866:24, 871:24, 871:25, 882:18, 882:22, 884:7</p> <p>state's [9] - 26:2, 26:15, 487:20, 489:15, 493:1, 741:3, 742:5, 742:7, 745:1</p> <p>State's [3] - 432:17, 685:22, 741:13</p> <p>state-of-the-art [1] - 399:13</p> <p>state-only [1] - 359:5</p> <p>State-owned [1] - 625:18</p> <p>statement [55] - 2:2, 6:4, 6:5, 26:23, 30:3, 94:22, 157:24, 269:10, 269:12, 269:13, 271:5, 277:19, 280:25, 281:2, 297:15, 327:8, 345:1, 349:1, 351:15, 356:8, 356:20, 380:2, 397:6, 400:25, 442:7, 480:24, 496:22,</p>	<p>509:13, 528:10, 532:2, 549:23, 550:1, 593:14, 594:15, 599:11, 611:23, 702:10, 707:1, 729:10, 758:25, 760:14, 761:2, 767:25, 775:7, 776:3, 779:2, 779:11, 780:2, 811:15, 816:1, 842:20, 847:4, 871:23, 884:11, 891:20</p> <p>statements [12] - 161:18, 245:24, 485:6, 745:14, 750:13, 759:3, 786:25, 810:15, 833:11, 874:10, 891:25, 892:1</p> <p>states [57] - 49:14, 56:21, 74:5, 77:24, 108:19, 111:12, 112:5, 116:20, 171:20, 201:22, 271:19, 272:20, 294:24, 297:12, 304:23, 377:1, 400:22, 402:1, 402:5, 402:6, 402:8, 405:7, 405:19, 431:25, 432:11, 458:14, 458:19, 476:7, 506:21, 522:13, 551:15, 551:17, 551:20, 599:18, 683:16, 719:2, 728:11, 730:7, 732:15, 805:20, 805:21,</p>	<p>819:11, 819:12, 858:20, 860:19, 860:21, 861:10, 865:23, 866:1, 866:18, 866:23, 867:4, 871:25, 879:15, 883:1</p> <p>States [42] - 12:21, 39:19, 47:14, 63:11, 117:19, 174:25, 188:21, 221:11, 275:12, 294:25, 407:14, 421:7, 427:2, 446:12, 469:3, 472:23, 518:12, 535:1, 564:2, 564:3, 564:8, 582:16, 629:25, 641:3, 644:12, 644:17, 645:15, 659:7, 682:22, 734:1, 747:24, 789:10, 793:13, 793:25, 830:2, 848:22, 849:19, 849:22, 850:4, 882:3, 882:6</p> <p>statewide [6] - 169:14, 655:5, 685:19, 731:19, 737:10, 835:10</p> <p>stating [4] - 418:10, 418:18, 705:24, 811:7</p> <p>station [3] - 29:24, 769:14, 876:3</p> <p>Station [4] - 83:14, 566:16, 591:2, 591:5</p> <p>stationary [1] - 30:22</p> <p>stations [3] - 94:6, 544:10, 585:20</p>	<p>statistical [1] - 423:2</p> <p>statistics [4] - 259:6, 743:9, 791:18, 791:21</p> <p>stats [1] - 201:9</p> <p>status [7] - 8:20, 107:11, 161:10, 418:10, 585:17, 728:2, 787:1</p> <p>statute [5] - 3:1, 155:24, 410:22, 618:6, 679:20</p> <p>statutes [1] - 675:23</p> <p>statutory [3] - 618:5, 628:7, 631:1</p> <p>staunch [2] - 483:21, 566:19</p> <p>stay [14] - 29:14, 45:21, 112:23, 180:12, 180:14, 196:17, 242:22, 243:17, 243:19, 333:23, 340:9, 495:24, 629:22, 714:6</p> <p>stayed [3] - 139:9, 547:3, 806:4</p> <p>staying [6] - 127:25, 237:16, 243:10, 555:15, 592:1, 592:2</p> <p>stays [1] - 196:20</p> <p>steadily [1] - 191:25</p> <p>steady [4] - 17:11, 47:22, 588:9, 778:1</p> <p>steal [1] - 513:12</p> <p>steam [2] - 50:4, 877:19</p> <p>steep [11] - 195:24,</p>	<p>196:15, 204:9, 206:1, 216:12, 691:9, 709:23, 712:24, 713:16, 713:24, 743:23</p> <p>steeper [2] - 215:4, 713:13</p> <p>steepest [1] - 196:25</p> <p>steeple [2] - 502:16, 502:18</p> <p>steepness [1] - 726:12</p> <p>stems [3] - 327:20, 633:15, 723:13</p> <p>step [26] - 18:25, 19:1, 20:4, 44:14, 69:20, 83:16, 83:17, 86:3, 144:6, 243:5, 410:19, 411:12, 433:5, 504:25, 514:5, 527:16, 543:17, 607:4, 701:13, 804:23, 805:5, 805:6, 829:1, 857:3, 857:14</p> <p>Step [1] - 74:4</p> <p>stepped [1] - 139:20</p> <p>stepping [3] - 97:5, 97:11, 835:25</p> <p>steps [6] - 89:5, 171:5, 410:17, 433:9, 804:15, 804:16</p> <p>stern [1] - 459:5</p> <p>Steuben [2] - 125:17, 125:19</p> <p>Steve [52] - 1:11, 1:13, 60:7, 60:12, 61:23, 61:24, 64:17, 134:22, 139:23, 155:4, 155:5, 186:9, 207:19,</p>	<p>211:10, 211:23, 217:21, 228:11, 228:12, 237:3, 238:22, 257:13, 263:21, 266:9, 271:25, 284:21, 306:5, 306:11, 335:17, 335:18, 335:25, 336:3, 341:10, 387:8, 396:25, 570:19, 592:22, 610:17, 610:20, 668:2, 690:11, 713:14, 716:7, 719:2, 728:25, 730:7, 754:8, 778:25, 866:4, 875:4, 877:16, 883:3</p> <p>Steve's [1] - 217:19</p> <p>steward [3] - 407:10, 480:4, 557:12</p> <p>stewards [1] - 107:15</p> <p>stewardship [4] - 107:12, 316:14, 613:12, 669:1</p> <p>stick [5] - 33:24, 34:11, 34:14, 117:25, 808:21</p> <p>sticker [1] - 787:10</p> <p>sticking [1] - 591:24</p> <p>sticky [1] - 28:5</p> <p>still [71] - 24:15, 37:14, 40:7, 47:2, 70:18, 119:12, 126:3, 131:24, 134:23, 139:15, 141:3, 185:10, 205:11, 233:20, 234:24, 235:2, 256:10,</p>	<p>261:19, 266:24, 276:1, 277:2, 278:8, 279:17, 280:15, 323:13, 323:14, 325:24, 337:19, 348:15, 348:16, 394:21, 394:23, 398:22, 400:12, 406:12, 425:23, 450:14, 451:17, 464:2, 466:10, 467:7, 496:8, 504:23, 506:4, 507:15, 519:13, 519:25, 531:8, 535:1, 557:9, 560:2, 582:4, 582:5, 583:4, 590:19, 651:20, 653:24, 656:3, 665:5, 676:12, 698:9, 738:8, 751:22, 761:4, 788:3, 789:6, 797:2, 806:19, 806:23, 829:8, 842:7</p> <p>stimulated [1] - 585:7</p> <p>stink [1] - 22:18</p> <p>stipulated [1] - 650:23</p> <p>stitched [4] - 608:7, 608:11, 608:20, 638:7</p> <p>stitching [1] - 608:15</p> <p>Stockholm [2] - 504:7, 562:5</p> <p>stockpiles [2] - 701:24</p> <p>stomach [1] - 412:2</p> <p>stone [6] - 97:5, 97:11, 129:14, 199:4, 199:10, 208:4</p> <p>stood [4] -</p>
---	--	---	--	--	---	--

<p>83:6, 124:12, 445:1, 519:14</p> <p>stop [16] - 18:6, 18:13, 38:4, 88:8, 179:21, 255:18, 256:10, 366:22, 369:15, 384:24, 416:9, 502:6, 509:11, 597:16, 731:10, 863:11</p> <p>Stop [1] - 568:5</p> <p>stopped [3] - 30:2, 30:5, 710:16</p> <p>stopping [4] - 286:20, 617:3, 617:5, 804:24</p> <p>stops [1] - 366:16</p> <p>stores [2] - 94:7</p> <p>stories [2] - 488:18, 546:23</p> <p>Storm [1] - 198:24</p> <p>storm [8] - 126:7, 199:7, 199:17, 314:6, 314:13, 568:1, 721:3</p> <p>storms [4] - 68:21, 102:20, 676:24, 803:2</p> <p>story [8] - 61:11, 101:22, 107:10, 217:17, 416:14, 466:20, 466:25, 664:11</p> <p>Stowell [2] - 545:20, 549:11</p> <p>STOWELL [1] - 549:10</p> <p>straight [5] - 179:20, 568:8, 617:2, 624:9, 642:16</p> <p>straighten [1] - 532:7</p>	<p>straightforw ard [1] - 884:22</p> <p>stranded [3] - 450:14, 450:16, 451:20</p> <p>strange [3] - 256:3, 648:17, 717:3</p> <p>stranger [1] - 78:10</p> <p>strangers [1] - 24:12</p> <p>strategically [1] - 339:9</p> <p>strategies [2] - 400:15, 402:8</p> <p>Strategies [1] - 257:14</p> <p>Strategy [2] - 399:22, 741:10</p> <p>Stratton [31] - 48:2, 48:4, 49:18, 103:17, 105:4, 105:6, 106:25, 109:13, 143:14, 148:8, 206:10, 222:11, 233:13, 241:19, 339:19, 340:5, 341:22, 377:7, 388:4, 388:17, 388:20, 476:18, 566:16, 846:22, 876:18, 876:21, 877:15, 877:17, 877:25, 878:1</p> <p>streak [1] - 64:10</p> <p>stream [14] - 36:17, 235:18, 239:5, 415:22, 437:18, 571:17, 589:3, 718:24, 719:9, 719:12, 719:18, 756:21, 756:25, 802:1</p> <p>Stream [8] -</p>	<p>36:18, 36:19, 71:12, 531:10, 532:19, 769:20, 774:9, 774:11</p> <p>streams [25] - 94:13, 103:3, 110:24, 111:20, 236:19, 285:22, 286:11, 288:5, 293:8, 294:9, 458:4, 478:1, 524:15, 710:22, 710:23, 718:24, 721:23, 753:22, 754:9, 754:16, 756:11, 756:12, 756:14, 769:22, 773:24</p> <p>Street [1] - 32:24</p> <p>street [1] - 492:17</p> <p>strength [1] - 668:19</p> <p>strengths [2] - 463:9, 661:10</p> <p>stress [4] - 528:1, 528:16, 528:20, 529:6</p> <p>stressing [1] - 457:8</p> <p>stretch [5] - 454:20, 499:10, 514:7, 688:25, 889:21</p> <p>stretched [1] - 481:14</p> <p>stretching [1] - 96:5</p> <p>strict [2] - 107:6, 415:6, 461:25</p> <p>strictly [2] - 464:8, 795:4</p> <p>strike [7] - 384:17, 635:18, 781:3, 785:12, 794:5, 871:17, 874:9</p> <p>striking [2] -</p>	<p>428:5, 458:13</p> <p>Strimling [2] - 20:6, 114:7</p> <p>STRIMLING [1] - 20:7</p> <p>string [3] - 446:17, 794:13, 796:19</p> <p>stringent [1] - 125:11</p> <p>strings [1] - 587:1</p> <p>strip [4] - 23:3, 261:9, 469:12, 794:17</p> <p>strobe [2] - 671:20, 671:22</p> <p>strobes [1] - 796:11</p> <p>strong [23] - 17:4, 50:18, 66:17, 74:2, 74:25, 93:13, 165:8, 169:17, 171:10, 171:16, 171:17, 172:15, 267:23, 268:3, 392:7, 413:13, 418:19, 427:5, 452:23, 487:2, 498:4, 522:22, 807:19</p> <p>Strong [2] - 142:20, 447:7</p> <p>stronger [2] - 171:15, 171:22</p> <p>strongest [1] - 17:18</p> <p>strongly [23] - 25:21, 26:12, 50:9, 56:6, 67:8, 80:17, 132:7, 169:19, 185:15, 267:2, 407:6, 415:6, 418:11, 457:14, 465:19, 477:11, 498:6, 535:9, 537:19, 545:14, 600:11, 726:18, 828:4</p> <p>struck [11] -</p>	<p>169:14, 334:17, 384:20, 445:8, 458:2, 475:6, 618:10, 698:18, 709:17, 709:18, 806:21</p> <p>structural [1] - 395:12</p> <p>structurally [1] - 29:3</p> <p>structure [12] - 138:3, 164:20, 257:6, 618:19, 636:20, 637:4, 642:9, 689:9, 698:6, 719:23, 724:8, 838:7</p> <p>structures [23] - 189:8, 215:20, 222:16, 331:1, 497:6, 497:10, 497:11, 498:14, 499:3, 499:16, 555:21, 555:22, 579:14, 620:10, 620:12, 627:11, 636:5, 684:23, 698:10, 701:18, 724:8, 739:12</p> <p>struggles [1] - 465:25</p> <p>struggling [3] - 587:21, 588:5, 862:10</p> <p>strung [2] - 672:3, 672:4</p> <p>stuck [4] - 83:18, 436:3, 546:8, 546:15</p> <p>stud [1] - 711:23</p> <p>student [6] - 65:9, 75:22, 76:8, 114:8, 276:16, 483:14</p> <p>students [4] - 75:23, 76:9, 76:15, 77:14</p> <p>students' [1] -</p>	<p>- 76:12</p> <p>studied [9] - 14:16, 14:21, 113:21, 203:1, 212:3, 670:13, 670:19, 761:16, 849:8</p> <p>studies [72] - 14:8, 14:10, 173:10, 233:2, 235:3, 243:9, 244:1, 246:15, 269:14, 296:23, 297:5, 304:25, 305:12, 305:15, 306:9, 374:13, 376:7, 389:6, 391:7, 391:8, 391:12, 391:16, 391:19, 392:8, 397:21, 398:10, 398:12, 398:21, 398:23, 399:9, 414:20, 414:22, 414:25, 416:6, 416:7, 416:15, 422:13, 628:21, 721:6, 733:2, 734:5, 734:9, 761:4, 783:13, 788:15, 791:5, 791:11, 793:18, 799:6, 799:7, 824:10, 831:5, 831:6, 831:9, 831:15, 831:19, 831:22, 832:11, 833:19, 841:14, 841:17, 843:22, 845:8, 850:13, 850:16, 851:7, 857:6, 886:6, 886:8, 886:9</p> <p>Studio [1] - 609:6</p> <p>study [110] - 43:6, 43:8, 44:3, 136:24, 146:13, 220:12, 221:2, 229:3, 235:6,</p>	<p>241:7, 246:1, 247:22, 251:25, 259:18, 259:19, 259:20, 270:8, 270:12, 295:3, 295:22, 296:2, 296:9, 296:12, 302:14, 303:5, 304:25, 305:3, 305:20, 307:7, 343:8, 357:16, 369:21, 373:20, 374:2, 374:13, 374:17, 374:21, 374:24, 375:10, 375:11, 375:21, 376:1, 376:4, 388:5, 388:8, 388:10, 388:20, 388:24, 409:6, 412:9, 413:2, 413:4, 413:6, 413:12, 413:14, 413:18, 414:1, 414:3, 416:13, 416:17, 422:4, 422:9, 422:20, 422:24, 424:11, 472:6, 581:17, 609:1, 654:6, 663:20, 721:11, 730:6, 732:15, 789:15, 791:13, 793:25, 794:3, 827:1, 831:25, 833:1, 833:2, 833:4, 833:9, 833:12, 843:25, 844:3, 844:4, 844:7, 844:20, 844:22, 844:25, 845:2, 845:3, 845:10, 845:11, 845:12, 845:15, 845:18, 845:20, 849:8, 862:24, 870:17,</p>
---	---	---	--	---	--	--

<p>875:18, 875:24, 876:8, 886:1 Study [3] - 388:16, 832:16, 875:14 studying [3] - 113:19, 540:16, 886:11 stuff [16] - 28:6, 42:9, 141:25, 264:13, 439:23, 469:13, 532:25, 621:6, 667:15, 693:9, 693:11, 693:17, 702:1, 714:12, 715:12, 766:18 stump [2] - 211:14, 218:3 stumpage [2] - 479:20, 711:17 stunted [3] - 146:21, 460:12, 477:23 styled [1] - 610:22 sub [1] - 613:3 subalpine [7] - 69:1, 195:20, 230:3, 724:22, 742:5, 800:22, 800:24 subarea [1] - 885:21 subcommitt ee [1] - 788:9 subcontract or [3] - 176:2, 176:4, 201:7 subdistrict [39] - 2:12, 2:13, 2:14, 2:18, 6:15, 6:18, 6:22, 7:4, 7:7, 7:9, 155:15, 155:16, 158:6, 158:12, 158:17, 158:18, 159:5,</p>	<p>159:12, 159:14, 159:17, 248:7, 442:19, 442:23, 443:3, 443:10, 443:12, 443:15, 457:13, 461:4, 461:24, 474:15, 476:4, 594:16, 594:17, 594:19, 816:17 subdistricts [6] - 151:4, 158:19, 248:5, 461:9, 746:5, 759:5 subdivision [3] - 363:24, 548:6, 548:12 subdivision s [1] - 548:7 subgrade [1] - 208:9 subject [24] - 33:25, 34:11, 34:14, 92:11, 189:13, 216:6, 300:7, 404:22, 417:19, 418:1, 509:19, 529:17, 529:25, 569:19, 590:15, 622:16, 669:11, 800:24, 802:12, 824:2, 842:17, 858:10, 870:22, 881:25 subjective [2] - 21:10, 21:21 subjectivity [1] - 250:19 submarines [3] - 115:22, 565:5, 565:7 submission [3] - 7:20, 160:3, 160:5 submit [18] - 9:14, 9:17, 160:21,</p>	<p>162:16, 233:25, 294:16, 349:16, 407:6, 455:9, 460:22, 463:4, 516:11, 581:14, 605:13, 792:22, 828:4, 891:24, 892:8 submittal [6] - 7:22, 9:6, 161:23, 206:14, 594:20, 651:15 submittals [1] - 892:14 submitted [39] - 2:10, 6:7, 7:19, 7:24, 9:3, 9:10, 9:13, 20:21, 20:22, 127:5, 155:13, 158:2, 160:2, 160:8, 160:13, 162:7, 162:15, 262:11, 262:22, 285:11, 287:19, 287:21, 315:17, 315:20, 442:9, 442:12, 637:19, 637:23, 638:6, 721:17, 755:9, 755:25, 764:11, 778:24, 787:15, 795:10, 795:16, 815:24, 889:6 subordinate [3] - 596:24, 603:12, 632:20 Subparagra ph [1] - 2:25 subregion [1] - 357:18 subregions [2] - 357:17, 357:19 subscribed [1] - 432:22 Subsequent</p>	<p>[1] - 229:17 subsequent [3] - 293:10, 314:25, 601:2 subsequent ly [1] - 851:12 subset [3] - 242:14, 242:22, 243:23 subsidi [1] - 475:2 subsidiary [2] - 330:18, 330:20 subsidiaries [6] - 25:17, 25:18, 114:22, 181:14, 181:16, 453:18 subsiding [1] - 828:9 subsize [1] - 153:11 subsidized [1] - 114:21 subsidizing [1] - 280:18 subsidy [5] - 181:18, 183:6, 281:15, 281:16, 383:14 substantial [25] - 45:22, 165:6, 206:14, 224:20, 316:19, 346:21, 453:1, 576:5, 577:14, 578:3, 582:1, 582:5, 728:15, 728:22, 729:9, 730:25, 782:25, 784:13, 818:4, 820:8, 825:18, 828:2, 838:13, 873:11, 873:24 substantial y [5] - 248:6, 346:4, 634:11, 827:6, 838:9 substantiat e [3] - 244:22, 535:18, 760:5 substantiat es [1] - 403:10</p>	<p>substantivel y [1] - 789:5 substation [12] - 2:20, 6:21, 158:22, 158:23, 167:19, 205:4, 205:11, 341:14, 434:21, 435:17, 443:1 substations [2] - 151:6, 205:12 substrait [1] - 714:6 subsurface [2] - 721:1, 721:2 succeed [1] - 351:2 succeeded [1] - 622:6 success [5] - 107:10, 181:6, 456:25, 523:13, 823:3 successful [10] - 10:22, 165:2, 165:23, 201:21, 204:3, 213:19, 486:8, 530:22, 550:8, 731:17 successfull y [5] - 174:23, 178:7, 179:10, 179:15, 452:13 suck [1] - 863:16 sudden [3] - 118:19, 585:14, 698:18 sued [1] - 655:23 suffer [4] - 82:9, 112:10, 470:5, 524:10 suffice [2] - 378:18, 747:1 sufficiency [2] - 482:15, 819:6 sufficient [16] - 170:12, 245:15, 342:7, 384:22, 417:19, 451:6,</p>	<p>480:9, 572:1, 636:24, 660:20, 660:23, 819:12, 837:18, 851:14, 881:1, 883:6 Suffolk [3] - 374:3, 413:7, 413:9 sugar [3] - 146:17, 412:1, 412:3 Sugar [1] - 18:12 Sugarloaf [104] - 21:17, 29:20, 30:7, 31:25, 32:25, 33:11, 33:19, 36:14, 40:20, 55:13, 71:13, 74:7, 74:10, 74:16, 75:2, 75:5, 94:5, 102:15, 123:18, 124:1, 138:10, 139:1, 139:9, 166:17, 170:1, 172:7, 202:16, 226:9, 226:17, 227:18, 229:22, 231:4, 267:23, 328:25, 329:4, 329:12, 329:14, 346:18, 347:20, 428:19, 471:17, 473:17, 481:2, 482:5, 497:21, 538:11, 546:16, 546:17, 546:19, 547:16, 557:2, 557:7, 567:6, 574:18, 576:7, 576:9, 576:12, 576:17, 603:16, 605:15, 607:10, 614:4, 618:24, 619:24, 625:15, 625:19,</p>	<p>625:22, 634:1, 662:20, 663:15, 667:18, 667:23, 677:13, 677:16, 677:22, 678:5, 688:16, 688:17, 688:22, 688:23, 689:3, 689:4, 689:11, 689:22, 692:3, 692:6, 692:9, 700:18, 701:20, 704:12, 735:19, 737:16, 737:18, 738:6, 738:10, 738:21, 743:15, 743:22, 748:16, 893:19 Sugarloaf's [2] - 29:2, 29:23 suggest [25] - 140:2, 144:17, 153:17, 187:10, 219:1, 323:7, 390:7, 398:5, 408:10, 412:9, 425:5, 480:16, 519:19, 528:15, 572:21, 598:9, 637:12, 656:4, 661:18, 662:19, 773:14, 786:15, 794:12, 859:15, 867:17 suggested [13] - 218:14, 344:2, 393:3, 398:2, 551:4, 576:13, 598:5, 660:14, 861:17, 870:21, 871:14, 884:25, 887:15</p>
--	---	--	--	---	--	--

<p>suggesting [6] - 492:9, 571:2, 575:22, 640:21, 643:22, 643:25</p> <p>suggestion [4] - 127:5, 140:23, 185:22, 188:19</p> <p>suggests [7] - 63:25, 476:16, 542:7, 628:18, 678:13, 693:25, 803:23</p> <p>suicide [1] - 108:5</p> <p>suitability [8] - 204:2, 204:16, 362:5, 367:23, 449:13, 461:12, 813:13, 863:8</p> <p>suitable [16] - 85:14, 171:12, 177:22, 191:11, 204:13, 217:2, 218:15, 486:16, 490:17, 524:8, 525:2, 562:20, 648:2, 682:3, 740:1, 820:12</p> <p>suited [3] - 86:7, 86:9, 312:6</p> <p>sulfur [9] - 22:18, 278:24, 403:15, 404:19, 405:2, 425:24, 826:12, 857:24, 858:1</p> <p>Sullivan [1] - 37:1</p> <p>sum [1] - 699:16</p> <p>summaries [5] - 155:20, 156:8, 163:13, 414:8</p> <p>summarily [1] - 151:11</p> <p>summarize [7] - 20:18,</p>	<p>92:5, 432:7, 571:1, 727:20, 816:13, 886:6</p> <p>summarized [1] - 404:2</p> <p>summarizin g [2] - 219:14, 814:24</p> <p>summary [13] - 5:12, 16:2, 43:7, 156:5, 179:10, 385:4, 401:12, 403:9, 405:25, 654:15, 816:1, 832:21, 879:20</p> <p>summed [1] - 530:16</p> <p>summer [30] - 37:8, 43:4, 60:18, 133:21, 196:1, 261:10, 309:14, 309:16, 403:20, 466:4, 501:3, 507:1, 529:20, 555:15, 567:10, 567:15, 617:14, 651:25, 700:4, 708:9, 720:3, 720:7, 720:8, 720:9, 720:12, 721:19, 725:12, 756:21, 772:25, 853:12</p> <p>summers [2] - 503:11, 565:17</p> <p>Summit [3] - 603:16, 607:10, 625:19</p> <p>summit [28] - 199:16, 310:21, 311:8, 311:20, 320:25, 321:19, 487:19, 605:14, 618:24, 619:23, 619:24, 677:15,</p>	<p>678:25, 679:1, 687:25, 688:22, 688:23, 690:24, 729:4, 731:5, 738:20, 742:10, 742:11, 743:23</p> <p>summits [3] - 121:16, 486:11, 500:21</p> <p>summons [1] - 377:25</p> <p>sums [1] - 478:12</p> <p>Sun [1] - 128:6</p> <p>sun [1] - 568:12</p> <p>Sunday [3] - 29:21, 55:13, 58:7</p> <p>sunlight [2] - 30:11, 651:17</p> <p>Sunlight [1] - 61:4</p> <p>sunset [3] - 665:10, 665:12, 665:18</p> <p>sunshine [1] - 30:24</p> <p>super [3] - 28:6, 28:7, 500:10</p> <p>superfluous [1] - 81:10</p> <p>superintend ent [2] - 247:15, 595:18</p> <p>superior [2] - 434:9, 820:13</p> <p>supervised [1] - 138:10</p> <p>supervisor [2] - 179:3, 378:13</p> <p>supplement [3] - 197:23, 709:19, 710:7</p> <p>supplement ed [2] - 311:22, 846:13</p> <p>supplied [3] - 336:22, 434:6, 850:17</p> <p>supplier [12]</p>	<p>- 12:23, 165:15, 165:21, 176:5, 176:6, 211:4, 260:2, 260:4, 260:7, 822:16, 836:3, 854:9</p> <p>supplier- neutral [1] - 836:3</p> <p>suppliers [8] - 60:2, 94:7, 94:8, 359:14, 571:20, 817:3, 817:17, 848:4</p> <p>supplies [4] - 103:3, 396:6, 475:2, 563:14</p> <p>supply [25] - 39:17, 43:11, 88:23, 104:5, 258:1, 259:2, 261:14, 261:25, 262:4, 272:17, 469:5, 481:13, 564:5, 803:1, 818:13, 821:15, 822:14, 822:21, 822:25, 824:3, 824:22, 828:5, 874:15, 881:16, 884:4</p> <p>supplying [4] - 12:16, 165:16, 377:9, 524:16</p> <p>support [93] - 15:19, 15:22, 17:4, 20:21, 24:25, 29:3, 31:12, 31:16, 41:13, 44:10, 44:15, 55:25, 67:8, 80:8, 80:19, 84:10, 85:6, 85:9, 87:16, 87:20, 89:13, 91:10, 91:21, 94:10, 100:20, 109:8, 127:6, 128:7, 129:20, 135:19, 135:20, 135:21, 135:24, 135:25, 161:13, 168:2,</p>	<p>169:2, 169:14, 169:20, 169:22, 170:2, 190:10, 192:25, 196:1, 235:13, 267:2, 270:25, 275:11, 297:9, 301:11, 301:14, 345:10, 418:6, 422:13, 440:1, 448:6, 452:23, 453:1, 455:25, 456:8, 475:25, 482:17, 484:3, 487:23, 488:3, 498:4, 500:19, 523:2, 530:6, 530:8, 549:7, 554:22, 554:24, 557:15, 566:22, 567:3, 584:20, 740:12, 787:4, 787:5, 787:6, 815:22, 828:3, 841:10, 845:14, 845:18, 847:16, 847:17, 850:6, 867:20, 870:3, 871:20</p> <p>Support [1] - 169:17</p> <p>supported [11] - 135:22, 169:24, 170:10, 350:3, 354:13, 455:19, 475:7, 475:10, 578:5, 819:18, 828:7</p> <p>supporter [2] - 55:2, 170:1</p> <p>supporters [6] - 31:8, 107:24, 169:15, 455:25, 777:17, 817:18</p> <p>supporting [13] - 72:1, 81:16, 92:4, 169:21, 275:5, 457:3, 457:4, 489:1, 569:6,</p>	<p>584:24, 722:23, 731:1</p> <p>supportive [5] - 172:13, 267:6, 267:16, 349:24, 796:3</p> <p>supports [9] - 21:19, 78:11, 85:11, 362:16, 566:20, 721:22, 739:22, 758:5, 805:15</p> <p>suppose [1] - 105:8</p> <p>supposed [12] - 57:16, 59:18, 211:5, 452:21, 571:13, 694:1, 755:8, 808:18, 851:8, 852:5, 862:25, 867:15</p> <p>suppressed [1] - 839:3</p> <p>Supreme [2] - 536:19, 872:1</p> <p>supreme [1] - 107:15</p> <p>surely [5] - 95:11, 143:5, 146:13, 499:20, 568:24</p> <p>surface [18] - 177:11, 203:5, 212:15, 240:2, 240:16, 395:20, 541:18, 652:11, 652:19, 656:16, 657:14, 693:12, 717:20, 720:10, 721:8, 743:20, 743:21, 794:2</p> <p>surfaced [1] - 189:7</p> <p>surfaces [3] - 28:8, 207:7, 225:9</p> <p>surmise [1] - 861:15</p> <p>surplus [5] - 479:3, 479:15,</p>	<p>544:20, 852:16, 873:10</p> <p>surprise [4] - 86:5, 92:14, 107:9, 385:10</p> <p>surprised [7] - 472:4, 472:7, 524:2, 551:11, 555:21, 643:25, 774:4</p> <p>surrounded [3] - 132:23, 473:15, 800:8</p> <p>surroundin g [18] - 56:18, 93:10, 96:5, 197:5, 204:19, 384:19, 446:14, 455:1, 488:12, 500:22, 523:10, 596:25, 610:10, 616:2, 653:1, 653:16, 675:18, 825:22</p> <p>surroundin gs [2] - 133:2, 686:3</p> <p>surrounds [2] - 99:13, 673:10</p> <p>Survey [1] - 322:9</p> <p>survey [14] - 228:21, 286:2, 288:14, 289:7, 289:21, 306:15, 306:24, 323:19, 601:9, 663:11, 737:10, 758:15, 821:4, 832:2</p> <p>surveyed [4] - 832:1, 832:3, 832:23, 845:3</p> <p>surveying [1] - 725:12</p> <p>surveyor's [2] - 10:13, 324:5</p> <p>surveys [20] - 227:22, 229:6, 232:16, 234:14, 234:17,</p>
--	---	--	--	--	---	--

234:21, 235:14, 286:6, 302:9, 302:10, 303:13, 304:19, 304:23, 305:3, 306:20, 726:9, 730:15, 830:22, 833:25, 845:5 survival [1] - 526:16 survive [2] - 132:21, 295:6 surviving [1] - 565:18 Survivor [1] - 696:21 Susan [6] - 125:15, 125:17, 126:23, 545:20, 549:9, 549:10 susceptible [3] - 44:2, 66:21, 204:5 suspect [8] - 113:25, 144:15, 332:1, 500:9, 525:3, 622:16, 714:10, 874:1 suspects [1] - 406:10 suspended [3] - 154:19, 441:17, 592:10 sustainabilit y [5] - 76:10, 131:6, 563:5, 563:6 Sustainable [1] - 465:4 sustainable [13] - 15:25, 63:17, 68:3, 78:3, 130:14, 130:24, 184:16, 471:5, 472:5, 598:22, 599:3, 760:7, 817:21 sustained [1] - 42:19 sustenance [1] - 74:18 SUVs [5] - 79:11, 115:8,	120:7, 533:8, 568:4 Suzanne [3] - 113:15, 113:17, 116:3 swales [1] - 754:10 swallow [1] - 889:11 swear [1] - 594:7 swearing [1] - 73:1 Sweden [2] - 562:5, 562:9 sweep [1] - 93:6 sweep-and- curve [1] - 93:6 sweet [1] - 488:17 sweltering [1] - 123:16 swept [7] - 304:17, 306:2, 390:6, 399:2, 733:12, 733:22, 734:24 swimming [1] - 62:10 swishing [1] - 560:10 switch [1] - 428:15 swoop [1] - 241:3 swoosh [2] - 126:5 sworn [11] - 3:7, 5:3, 5:4, 5:8, 73:2, 156:17, 157:16, 215:15, 593:19, 634:8, 762:2 SWORN [5] - 5:7, 73:6, 157:17, 441:22, 594:12 Sylvia [2] - 97:20, 97:21 symbol [3] - 74:23, 668:21, 668:25 symbolic [1] - 679:5	symbolize [1] - 668:20 symbols [4] - 76:16, 76:17, 483:19, 490:7 sympathetic [1] - 543:2 synchronize d [1] - 826:6 synology [1] - 541:21 synthesis [1] - 540:19 syrup [1] - 55:12 System [26] - 8:21, 161:11, 259:14, 318:22, 318:24, 320:12, 320:13, 596:14, 598:4, 599:5, 599:7, 611:24, 611:25, 612:15, 624:4, 624:12, 627:8, 629:2, 641:16, 641:17, 643:1, 643:11, 683:15, 685:21, 741:16, 875:14 system [98] - 52:25, 142:5, 156:25, 166:25, 169:6, 184:17, 205:10, 221:12, 247:16, 257:16, 258:11, 259:18, 259:20, 259:22, 263:18, 273:1, 279:18, 293:19, 343:8, 357:16, 357:23, 358:2, 358:6, 369:24, 380:20, 381:1, 381:18, 384:22, 409:9, 409:12, 421:10, 424:7, 449:5, 587:19,	587:22, 587:23, 588:8, 588:11, 588:17, 589:25, 596:4, 596:7, 600:25, 601:2, 601:3, 601:7, 601:15, 602:24, 603:4, 609:16, 609:19, 609:22, 610:6, 611:24, 624:13, 626:2, 626:5, 626:7, 626:8, 626:10, 626:12, 626:19, 626:20, 626:23, 626:24, 627:2, 627:4, 627:13, 628:3, 628:5, 630:6, 630:17, 635:4, 636:16, 639:20, 639:24, 640:1, 640:15, 641:13, 642:24, 642:25, 645:6, 645:7, 645:8, 645:20, 650:13, 657:7, 775:7, 775:10, 858:3, 872:16, 875:18, 881:5, 885:25, 889:21 systems [15] - 42:15, 66:12, 177:14, 202:9, 231:14, 281:22, 281:23, 358:9, 449:3, 481:15, 500:8, 601:4, 640:4, 721:23, 848:21	734:2 tables [1] - 404:3 tabulation [1] - 791:10 tactics [1] - 457:9 tagged [1] - 233:18 tailored [1] - 359:10 talks [13] - 265:20, 265:21, 292:11, 319:20, 363:18, 414:18, 501:24, 618:6, 629:2, 749:14, 803:22, 809:12 tall [23] - 7:1, 24:4, 30:9, 74:23, 74:24, 124:7, 124:12, 159:9, 193:19, 222:12, 222:14, 237:10, 238:5, 238:11, 325:5, 443:7, 517:11, 537:15, 619:18, 669:18, 669:20, 724:7, 724:8 taller [6] - 33:14, 46:7, 124:23, 124:24, 238:6, 790:7 tally [1] - 791:6 tangible [2] - 628:14, 827:10 Tannenbau m [2] - 867:10, 867:18 tapered [1] - 222:23 tapped [3] - 11:18, 585:25 tarawatt [1] - 852:13 target [2] - 303:16, 455:24 targeted [2] -	229:6, 232:15 targets [5] - 244:2, 244:13, 303:10, 819:21 tariff [2] - 572:22, 573:15 Tarpy [1] - 462:22 Task [1] - 844:5 task [9] - 76:20, 376:18, 459:12, 561:11, 562:3, 785:21, 785:25, 787:25, 788:4 tasked [1] - 830:25 TASKY [1] - 434:22 taught [2] - 122:19, 600:21 tax [64] - 20:24, 25:18, 25:21, 32:11, 98:22, 110:25, 114:23, 115:5, 115:7, 136:22, 136:25, 151:17, 153:7, 153:9, 181:14, 181:21, 182:1, 182:4, 182:8, 182:17, 182:19, 183:4, 183:6, 275:4, 275:7, 279:19, 279:25, 280:6, 280:17, 281:5, 281:6, 281:9, 281:10, 281:13, 281:25, 282:10, 382:4, 382:7, 383:1, 383:2, 383:4, 383:13, 383:14, 383:15, 440:5, 440:8, 453:17, 453:18, 471:1, 475:18, 489:24, 496:6, 528:16, 539:18, 550:19,	819:19, 832:1, 832:2, 832:7, 832:10, 861:23, 870:24 Tax [1] - 181:19 taxable [1] - 281:24 taxes [11] - 15:12, 94:4, 254:1, 276:5, 276:6, 281:14, 282:1, 382:8, 870:10, 870:22, 871:6 Taylor [5] - 72:23, 73:7, 73:9, 73:16, 75:10 teach [2] - 80:24, 119:20 teacher [2] - 119:20, 463:17 teaches [1] - 413:7 teaching [2] - 665:15, 717:2 team [13] - 12:13, 16:3, 176:10, 176:11, 201:5, 201:23, 203:10, 206:8, 208:17, 291:16, 345:9, 380:6, 710:12 teaming [1] - 175:11 teams [1] - 186:19 tear [3] - 39:6, 117:21, 518:10 Technical [1] - 797:4 technical [7] - 170:12, 401:13, 401:17, 716:16, 781:12, 781:13, 781:17 technically [1] - 688:23 technician [2] - 179:2, 377:14
		T				
		Table [4] - 404:6, 404:17, 569:2, 727:18 table [8] - 180:2, 191:6, 356:24, 386:19, 437:4, 442:4, 581:24,				

<p>technicians [2] - 178:25, 179:3</p> <p>technique [3] - 392:5, 395:25, 396:1</p> <p>techniques [9] - 203:17, 203:20, 204:3, 204:15, 306:20, 399:13, 600:22, 609:7</p> <p>technologic al [3] - 77:2, 397:25, 492:8</p> <p>technologie s [4] - 179:11, 451:21, 705:25, 817:14</p> <p>technologis ts [1] - 76:25</p> <p>Technology [1] - 562:5</p> <p>technology [19] - 77:7, 85:12, 94:16, 98:19, 115:20, 176:18, 184:12, 184:15, 184:17, 184:19, 247:23, 306:12, 350:5, 397:25, 408:1, 453:16, 520:15, 544:15, 655:20</p> <p>Ted [5] - 129:22, 130:1, 527:13, 529:11, 529:13</p> <p>teenager [1] - 65:14</p> <p>teenagers [1] - 80:14</p> <p>telephone [3] - 117:24, 413:15, 779:4</p> <p>telephoto [3] - 688:17, 689:21, 689:23</p> <p>television [1] - 579:15</p> <p>temperature</p>	<p>[16] - 66:3, 66:11, 66:14, 81:14, 365:25, 366:7, 366:15, 366:20, 366:22, 541:15, 541:19, 719:17, 794:2, 800:3, 825:3</p> <p>temperature 's [1] - 393:20</p> <p>temperature s [13] - 28:16, 81:12, 216:18, 235:10, 395:10, 416:8, 541:19, 542:6, 800:7, 826:4, 826:7, 852:20, 863:2</p> <p>tempered [1] - 227:6</p> <p>temporary [3] - 236:4, 717:23, 764:1</p> <p>ten [36] - 3:25, 68:10, 68:14, 172:16, 182:14, 225:5, 253:13, 255:23, 260:13, 261:21, 268:10, 274:1, 281:6, 353:10, 354:15, 377:1, 378:5, 472:20, 476:7, 508:18, 519:4, 533:12, 533:18, 571:5, 610:4, 637:6, 655:19, 712:5, 760:5, 818:24, 822:2, 823:16, 825:2, 837:9, 838:15, 891:24</p> <p>ten-year [3] - 261:21, 571:5, 837:9</p> <p>tend [13] - 152:3, 171:10, 177:13, 204:7, 204:9, 210:3, 292:12, 359:3, 384:19, 616:25, 620:13, 851:1, 865:12</p>	<p>tended [1] - 254:16</p> <p>tendency [2] - 127:14, 597:16</p> <p>tends [5] - 177:12, 210:2, 244:16, 606:19, 865:11</p> <p>tenent [1] - 127:22</p> <p>Tennessee [4] - 674:9, 776:15, 791:15, 791:23</p> <p>tennis [1] - 52:15</p> <p>tens [1] - 724:5</p> <p>tension [1] - 407:3</p> <p>tentatively [2] - 9:1, 161:16</p> <p>tenure [1] - 538:22</p> <p>tepee [1] - 133:1</p> <p>term [52] - 16:24, 49:19, 62:19, 82:10, 213:5, 217:24, 221:22, 247:25, 249:1, 252:9, 260:17, 260:18, 261:8, 261:21, 262:16, 262:22, 262:24, 262:25, 268:17, 268:19, 275:7, 292:6, 292:17, 292:24, 435:7, 435:9, 435:12, 435:16, 436:9, 436:12, 437:24, 438:9, 486:4, 497:14, 599:18, 604:20, 623:18, 624:3, 777:19, 801:4, 801:6, 801:10, 801:11, 801:13, 823:7, 823:13,</p>	<p>836:16, 837:2, 838:15, 843:10, 869:25, 880:2</p> <p>termed [1] - 610:7</p> <p>terminal [1] - 221:23</p> <p>terminologi es [1] - 627:1</p> <p>terminology [3] - 624:9, 627:13, 645:10</p> <p>terminus [1] - 618:25</p> <p>terms [136] - 37:24, 61:12, 81:14, 87:21, 102:7, 145:9, 169:1, 170:16, 181:6, 187:12, 189:17, 192:16, 193:15, 194:11, 210:21, 219:13, 226:4, 227:13, 230:7, 233:7, 235:6, 236:3, 250:17, 277:20, 286:1, 286:10, 299:9, 309:2, 320:5, 321:24, 323:6, 327:15, 347:25, 348:5, 357:19, 363:17, 375:4, 388:3, 398:9, 408:5, 410:3, 410:12, 410:13, 414:23, 417:8, 417:9, 418:9, 433:22, 434:23, 471:18, 474:19, 491:13, 508:16, 543:10, 563:6, 564:5, 564:12, 565:3, 579:2, 590:16, 619:5, 628:15, 628:19, 628:24, 630:25,</p>	<p>631:24, 632:9, 634:10, 635:15, 637:10, 638:2, 671:8, 673:6, 673:21, 674:17, 691:11, 704:20, 721:12, 734:25, 747:18, 769:24, 770:3, 770:9, 771:22, 772:9, 774:14, 778:12, 786:10, 789:1, 789:9, 790:20, 791:14, 792:9, 818:22, 832:5, 834:15, 836:12, 836:15, 845:6, 849:1, 849:11, 850:12, 850:20, 852:3, 854:6, 855:3, 855:14, 855:23, 856:5, 859:13, 860:9, 862:23, 864:1, 864:24, 865:9, 868:16, 870:16, 873:1, 873:10, 874:14, 877:9, 880:9, 880:10, 880:18, 881:18, 886:8, 886:20, 887:3, 887:6, 888:5, 888:12</p> <p>terrain [18] - 27:11, 150:18, 176:22, 195:24, 196:16, 200:14, 200:16, 201:24, 393:5, 456:6, 526:2, 535:15, 600:20, 600:22, 608:25, 691:9, 737:24, 813:12</p> <p>Terrance [1] - 637:22</p> <p>terrestrial [1] - 729:14</p>	<p>terrified [1] - 113:23</p> <p>territories [4] - 102:1, 102:8, 102:16, 464:7</p> <p>territory [4] - 102:18, 150:25, 464:12, 538:9</p> <p>Terry [20] - 143:14, 143:15, 220:2, 229:11, 245:23, 316:1, 316:7, 319:15, 321:9, 344:15, 344:17, 344:22, 512:12, 512:19, 516:17, 516:18, 576:2, 604:13, 604:17, 643:16</p> <p>Terry's [1] - 322:7</p> <p>Tesseo [4] - 132:2, 132:6, 512:12, 516:18</p> <p>TESSEO [2] - 132:6, 516:18</p> <p>test [6] - 388:13, 422:20, 511:13, 519:14, 772:4, 772:6</p> <p>tested [1] - 524:19</p> <p>testified [33] - 76:8, 182:3, 300:10, 306:14, 311:15, 312:8, 345:10, 367:10, 439:2, 559:4, 583:15, 643:17, 655:11, 691:12, 702:10, 735:23, 762:6, 782:5, 831:5, 831:7, 831:23, 832:20, 868:25, 869:24, 870:1, 871:18,</p>	<p>879:18, 881:11, 881:22, 883:5, 884:19, 885:16, 887:14</p> <p>testifier [1] - 426:18</p> <p>testifies [1] - 289:16</p> <p>testify [30] - 3:4, 3:15, 4:12, 4:13, 5:3, 5:5, 5:9, 5:23, 21:12, 57:5, 60:9, 60:13, 67:10, 72:25, 73:2, 98:14, 109:18, 115:10, 116:7, 116:8, 129:24, 157:16, 364:19, 365:6, 441:2, 441:6, 444:6, 444:9, 562:2, 671:3</p> <p>testifying [7] - 11:12, 38:17, 266:25, 400:19, 702:21, 869:21, 870:4</p> <p>testimonials [1] - 15:21</p> <p>testimony [372] - 2:1, 2:9, 2:23, 3:8, 3:19, 4:2, 4:4, 4:17, 4:18, 5:20, 9:3, 9:7, 9:10, 9:11, 9:12, 16:14, 20:9, 40:1, 40:12, 41:1, 43:7, 113:9, 119:23, 119:24, 127:4, 127:5, 139:12, 151:2, 153:23, 154:3, 154:5, 155:12, 155:21, 156:6, 156:9, 156:10, 156:21, 157:2, 161:18, 161:24, 162:7, 162:8, 162:9, 162:25, 180:9, 187:9, 203:18, 219:12,</p>
--	---	--	---	--	--	---

<p>245:25, 246:17, 247:4, 247:11, 247:13, 254:22, 255:20, 257:21, 262:11, 269:13, 270:16, 270:21, 270:23, 270:24, 272:1, 276:19, 277:22, 282:9, 285:4, 286:2, 288:9, 288:10, 288:18, 288:23, 288:25, 289:12, 289:15, 292:4, 294:12, 295:20, 300:10, 303:18, 304:20, 306:22, 309:13, 310:14, 310:20, 310:24, 311:16, 313:10, 315:8, 316:24, 323:9, 324:4, 325:4, 335:25, 337:5, 339:16, 341:15, 342:1, 342:18, 344:1, 344:2, 344:22, 345:11, 353:9, 358:13, 360:10, 360:20, 361:23, 363:8, 365:20, 369:2, 370:2, 371:6, 371:11, 371:21, 371:22, 371:24, 372:15, 373:19, 376:14, 376:25, 377:4, 377:19, 378:15, 379:4, 379:14, 380:2, 382:4, 385:3, 385:4, 385:12,</p>	<p>385:22, 385:24, 390:19, 391:6, 392:2, 401:12, 401:15, 406:5, 407:3, 407:16, 408:5, 409:8, 409:20, 409:23, 410:23, 414:18, 415:19, 416:19, 419:15, 422:3, 422:10, 423:12, 425:5, 426:4, 427:24, 429:20, 432:14, 432:18, 434:12, 435:11, 436:1, 438:1, 439:4, 439:25, 440:11, 440:23, 443:24, 449:10, 454:15, 455:9, 456:24, 460:22, 461:18, 462:14, 471:12, 475:6, 509:5, 514:2, 518:7, 520:13, 539:2, 569:9, 571:2, 571:13, 573:1, 573:2, 578:1, 585:2, 585:15, 588:14, 592:19, 593:4, 593:9, 593:21, 593:25, 595:1, 597:23, 597:24, 600:10, 601:18, 602:8, 602:25, 604:24, 606:6, 611:22, 615:11, 615:12, 615:25, 624:22, 625:21, 625:24, 630:25, 632:3, 632:12, 633:10, 634:5,</p>	<p>634:8, 634:13, 634:16, 634:23, 637:14, 638:24, 639:1, 639:4, 639:7, 639:12, 639:15, 640:18, 642:8, 647:13, 653:12, 656:6, 669:12, 671:13, 675:2, 676:25, 679:6, 680:15, 680:24, 690:18, 691:15, 691:18, 692:8, 701:3, 701:8, 701:16, 701:19, 702:23, 703:10, 703:20, 710:21, 716:3, 719:2, 727:19, 727:20, 730:6, 730:21, 734:3, 734:14, 737:23, 743:10, 744:12, 746:11, 746:25, 750:4, 753:18, 754:12, 755:17, 759:17, 761:15, 762:2, 762:6, 763:5, 764:8, 764:9, 764:13, 766:4, 766:5, 772:2, 772:8, 772:22, 773:16, 773:17, 775:7, 780:17, 780:25, 781:8, 781:10, 782:7, 782:8, 784:2, 785:11, 785:14, 788:8, 789:18, 791:11, 792:2, 794:5, 794:12, 794:19, 795:1, 799:8, 800:20, 801:5, 802:10, 805:15, 806:10,</p>	<p>806:25, 807:16, 807:17, 808:23, 809:4, 809:12, 809:20, 809:25, 810:4, 810:8, 810:11, 810:15, 811:4, 811:11, 811:21, 812:2, 813:21, 814:11, 814:19, 814:23, 814:24, 815:16, 815:24, 823:4, 823:11, 824:13, 824:17, 825:20, 827:24, 828:8, 832:15, 834:3, 836:18, 837:5, 841:10, 841:19, 847:23, 851:4, 851:15, 854:4, 859:20, 860:14, 868:4, 869:4, 869:16, 870:9, 870:15, 871:7, 871:12, 871:17, 872:18, 881:21, 883:22, 884:22, 887:4, 889:6, 891:17, 892:3, 892:15, 893:1 TESTIMONY [2] - 16:16, 444:17 testing [2] - 485:5, 769:2 tests [1] - 433:23 Tetons [2] - 458:17, 501:6 Texas [6] - 118:3, 118:8, 126:14, 353:24, 802:19, 822:11 text [1] - 70:6 Texture [1] - 652:10</p>	<p>texture [14] - 603:11, 624:6, 637:7, 640:17, 651:10, 652:12, 652:14, 652:19, 652:25, 657:4, 657:14, 657:23, 658:16, 739:9 textured [1] - 656:24 textures [4] - 602:15, 610:3, 640:9, 656:15 Thaler [17] - 9:19, 9:21, 163:1, 364:10, 364:14, 383:21, 411:20, 631:12, 670:22, 670:23, 680:24, 699:14, 699:24, 761:7, 815:5, 867:6, 891:3 THALER [106] - 9:20, 163:3, 163:6, 179:19, 179:24, 180:1, 180:7, 194:22, 219:8, 219:13, 219:17, 252:23, 333:19, 334:3, 362:21, 363:11, 371:16, 383:25, 384:6, 384:24, 385:15, 387:19, 387:24, 389:9, 389:13, 391:5, 392:12, 392:15, 393:6, 411:23, 412:25, 414:4, 414:11, 414:17, 416:21, 570:13, 570:23, 570:25, 574:5, 574:9, 582:18,</p>	<p>582:20, 582:23, 590:21, 631:15, 638:17, 638:20, 638:23, 640:3, 642:21, 642:23, 643:12, 643:14, 644:2, 670:25, 671:6, 675:3, 699:16, 699:20, 699:23, 707:2, 707:6, 707:8, 768:8, 768:12, 770:16, 770:20, 771:6, 771:10, 775:1, 775:5, 776:19, 777:3, 777:4, 778:21, 780:7, 780:11, 780:16, 783:10, 783:12, 783:16, 783:19, 783:22, 784:17, 784:21, 792:20, 792:25, 796:21, 815:6, 829:9, 834:6, 834:10, 837:10, 837:16, 839:10, 839:13, 840:25, 867:8, 867:22, 874:20, 874:24, 890:22, 891:2, 891:16, 892:6, 892:19 Thaler's [1] - 681:3 THE [353] - 1:3, 5:8, 9:19, 16:13, 20:6, 22:1, 22:8, 23:14, 24:21, 32:16, 32:20, 33:7, 33:23, 34:3, 34:7, 34:10, 34:13, 34:17, 34:20, 34:24, 35:2,</p>	<p>36:2, 36:4, 38:5, 41:8, 44:17, 44:21, 46:17, 48:24, 51:12, 54:1, 57:3, 60:6, 60:12, 61:21, 64:17, 65:5, 67:10, 67:13, 69:23, 71:2, 72:23, 73:7, 73:11, 75:12, 75:15, 78:6, 80:2, 81:19, 84:2, 88:5, 91:18, 93:19, 96:11, 97:19, 98:24, 99:1, 100:9, 103:16, 105:4, 106:15, 109:15, 109:17, 113:9, 113:15, 116:3, 119:11, 122:11, 125:13, 126:23, 127:1, 127:3, 127:7, 129:22, 131:22, 133:15, 133:17, 134:20, 134:22, 139:11, 139:14, 139:18, 139:23, 140:24, 143:12, 147:7, 149:10, 149:16, 153:23, 154:24, 157:18, 162:17, 162:24, 163:4, 163:16, 174:13, 174:15, 179:25, 180:3, 180:8, 186:9, 186:25, 194:19, 204:22, 207:19, 209:16, 210:15, 215:10, 215:16, 216:2, 216:4, 217:19,</p>
--	---	--	--	---	---	---

<p>217:23, 219:3, 219:5, 219:7, 219:11, 219:15, 219:25, 237:3, 238:21, 239:18, 245:22, 252:19, 252:22, 253:1, 266:9, 271:24, 273:11, 274:6, 274:10, 275:3, 275:9, 275:11, 277:13, 278:3, 282:8, 283:14, 321:6, 333:25, 334:19, 334:21, 335:14, 335:20, 335:25, 340:22, 340:23, 343:24, 344:8, 344:13, 356:22, 359:21, 370:20, 373:2, 373:7, 373:10, 381:24, 383:19, 383:21, 385:1, 385:18, 386:9, 386:23, 387:2, 401:4, 410:24, 411:19, 417:1, 419:8, 421:22, 422:6, 426:1, 426:3, 439:17, 439:24, 440:18, 441:12, 441:24, 443:19, 444:2, 448:4, 448:15, 448:21, 454:7, 454:9, 455:5, 457:16, 463:14, 464:25, 466:22, 467:24, 470:23, 473:25, 477:3, 480:21, 482:22, 484:13, 486:22, 487:4, 487:7, 487:10, 494:1, 496:2,</p>	<p>500:1, 502:25, 505:25, 509:19, 512:10, 512:17, 516:17, 518:1, 521:14, 521:17, 523:15, 525:11, 527:12, 527:16, 529:11, 531:6, 532:15, 532:17, 533:22, 537:22, 540:4, 543:20, 545:20, 549:9, 555:2, 556:20, 559:10, 559:16, 560:19, 561:9, 561:13, 561:17, 563:3, 566:5, 566:10, 569:8, 569:16, 569:20, 570:2, 570:4, 570:7, 570:10, 570:19, 570:24, 582:22, 582:24, 583:3, 585:7, 585:11, 586:24, 590:13, 591:23, 592:15, 593:15, 594:13, 594:24, 610:17, 620:18, 622:11, 622:15, 622:19, 622:25, 623:4, 627:24, 628:1, 630:19, 631:10, 640:1, 644:5, 646:6, 646:9, 646:23, 647:3, 647:7, 664:16, 668:2, 669:9, 670:21, 671:3, 675:4, 679:24, 680:2, 680:7, 680:13, 690:11, 693:4, 696:19,</p>	<p>699:13, 699:19, 707:4, 707:7, 707:9, 707:18, 723:1, 723:11, 726:24, 727:1, 727:7, 735:5, 739:15, 746:12, 751:3, 751:6, 753:12, 760:12, 760:25, 776:24, 777:2, 796:23, 807:9, 808:17, 814:16, 814:22, 815:1, 815:5, 815:7, 815:13, 829:6, 829:10, 841:2, 842:7, 842:10, 846:16, 859:19, 859:21, 860:2, 860:6, 860:11, 860:14, 861:2, 862:4, 863:6, 863:11, 863:14, 866:3, 867:6, 867:19, 875:2, 878:9, 883:3, 883:16, 887:12, 888:23, 889:11, 890:20, 890:24, 891:17, 892:11, 892:21, 893:21 theirs [1] - 475:12 theme [1] - 567:16 themselves [27] - 24:7, 48:9, 51:24, 68:19, 74:19, 151:7, 152:19, 222:19, 222:20, 228:2, 228:3, 235:24, 257:23, 386:18, 393:17, 394:6, 459:14, 463:1, 515:6, 518:20, 522:21, 551:16, 551:18,</p>	<p>551:21, 646:13, 854:9 theoretically [2] - 413:10, 659:21 theory [2] - 856:21, 858:22 thereby [3] - 13:23, 280:18, 282:1 therefore [18] - 101:3, 152:19, 183:4, 306:1, 310:21, 380:12, 461:21, 511:18, 573:25, 636:2, 753:24, 770:25, 827:11, 851:20, 858:8, 870:21, 871:19, 881:16 Therefore [8] - 95:22, 202:2, 313:1, 497:13, 527:11, 528:15, 731:4, 784:6 they've [24] - 45:24, 45:25, 91:4, 114:23, 128:22, 135:22, 143:21, 367:23, 377:18, 386:16, 397:13, 398:22, 404:22, 532:8, 565:3, 581:11, 608:20, 731:2, 774:21, 850:1, 855:4, 865:21, 872:23 They've [6] - 12:19, 13:6, 19:21, 128:22, 390:14, 831:10 thick [5] - 27:12, 28:13, 230:5, 565:14, 659:17 thickness [2] - 565:4, 565:8</p>	<p>thin [1] - 713:18 thinking [19] - 40:11, 70:14, 81:6, 105:9, 216:13, 239:23, 256:4, 267:12, 504:16, 515:8, 516:10, 516:14, 588:12, 590:16, 625:24, 665:6, 669:10, 673:21, 788:24 thinks [2] - 27:6, 522:18 Third [1] - 778:22 third [27] - 7:12, 8:14, 27:5, 46:25, 145:25, 148:10, 148:17, 159:20, 161:3, 171:4, 175:18, 175:22, 178:11, 219:9, 333:8, 342:10, 416:16, 443:17, 462:10, 532:20, 554:3, 586:9, 602:9, 649:8, 709:21, 768:21, 787:18 third-party [3] - 8:14, 161:3, 175:18 thirdly [1] - 12:9 thirds [4] - 168:6, 351:15, 352:20, 352:23 Thirty [1] - 535:6 thorough [4] - 60:4, 103:14, 485:5, 813:22 thoroughly [1] - 508:20 Thoughtful [1] - 456:10 thoughts [2] - 72:15,</p>	<p>521:21 thousand [9] - 35:22, 65:20, 93:4, 123:5, 176:24, 552:23, 585:23, 752:21, 752:25 Thousands [1] - 108:1 thousands [11] - 45:5, 119:18, 174:24, 176:8, 202:8, 408:6, 454:20, 487:12, 567:8, 599:8, 724:5 thread [3] - 293:19, 293:21, 330:22 threat [18] - 54:21, 64:22, 236:22, 257:25, 259:1, 259:2, 379:16, 400:3, 400:22, 407:9, 427:9, 447:10, 457:25, 500:12, 801:4, 801:7, 801:10, 826:10 threatened [10] - 122:2, 150:2, 297:17, 297:20, 553:22, 728:1, 728:2, 728:6, 800:4 threats [13] - 41:18, 80:24, 81:8, 104:21, 295:21, 400:7, 400:11, 407:12, 493:3, 582:14, 582:16, 801:4, 803:12 three [93] - 3:4, 4:18, 12:2, 29:22, 34:16, 34:17, 37:22, 62:2, 62:12, 65:12, 65:15, 65:17, 102:21, 108:10,</p>	<p>113:21, 126:8, 128:5, 129:19, 144:8, 145:1, 147:14, 148:5, 230:14, 260:19, 262:4, 266:13, 300:21, 308:8, 341:12, 342:6, 353:2, 370:17, 370:20, 378:10, 386:13, 386:18, 398:15, 401:25, 404:2, 416:12, 416:22, 434:17, 454:14, 460:21, 503:8, 516:11, 518:8, 532:6, 532:9, 536:8, 547:19, 557:1, 568:7, 586:8, 601:14, 602:23, 603:17, 616:21, 617:18, 635:23, 647:14, 651:5, 654:3, 654:5, 654:10, 677:1, 677:3, 677:7, 677:20, 677:21, 680:19, 693:5, 700:14, 725:19, 740:4, 743:10, 743:11, 756:15, 756:16, 767:23, 768:3, 768:5, 768:15, 768:24, 769:11, 816:23, 817:23, 823:5, 853:16, 853:17, 853:18 Three [4] - 450:2, 510:3, 601:10, 616:23 three-letter [1] - 769:11 three- quarters [2] -</p>
--	--	---	---	--	--	---

<p>743:10, 743:11 three-rock [1] - 756:15 threshold [7] - 111:23, 658:19, 660:2, 660:13, 660:15, 660:16, 661:5 thresholds [1] - 658:25 threw [1] - 700:25 thrilled [2] - 80:21, 462:14 thrive [1] - 132:20 Throughout [2] - 71:22, 312:17 throughout [40] - 39:10, 39:17, 85:7, 102:4, 102:16, 130:10, 171:1, 171:2, 171:19, 176:22, 177:16, 191:17, 196:25, 197:6, 201:16, 202:17, 220:18, 249:15, 268:2, 269:16, 269:17, 287:15, 313:14, 326:23, 339:1, 358:22, 378:16, 402:1, 405:6, 425:2, 499:22, 526:11, 538:11, 604:4, 604:6, 617:13, 629:17, 820:2, 827:23, 849:22 throw [2] - 59:21, 440:2 thrown [1] - 722:20 Thrush [43] - 74:15, 102:12, 146:1, 146:2, 146:21, 232:25, 233:13,</p>	<p>233:18, 233:25, 236:13, 236:23, 241:10, 241:17, 294:23, 295:1, 295:6, 296:20, 388:5, 389:3, 400:4, 400:23, 429:25, 462:4, 462:7, 581:18, 581:19, 731:23, 732:2, 732:18, 733:3, 733:6, 760:2, 792:12, 793:1, 793:14, 793:17, 793:19, 812:16, 825:23, 826:11, 826:14, 826:22 thrushes [1] - 826:23 thumb [2] - 617:12, 656:8 thunder [1] - 676:23 tick [1] - 102:2 ticking [1] - 163:22 tickled [1] - 621:24 ticks [1] - 803:2 tidal [2] - 78:18, 492:10 tie [5] - 90:4, 198:2, 537:11, 626:6, 626:13 tied [2] - 237:10, 537:17 TIERNEY [2] - 139:20, 139:24 Tierney [3] - 106:16, 139:18, 139:24 ties [7] - 90:5, 90:6, 90:10, 90:11, 90:13, 90:15, 625:23 TIFFANY [1] - 538:2</p>	<p>Tiffany [3] - 533:25, 538:2, 538:3 Tift [2] - 65:5, 69:24 TIFFT [4] - 65:5, 67:12, 67:14, 69:24 Tim [5] - 708:17, 710:11, 713:8, 714:25, 769:21 Timber [1] - 226:14 timber [14] - 183:23, 479:4, 479:8, 480:3, 538:13, 574:21, 579:12, 601:20, 602:5, 607:23, 618:23, 644:21, 739:7, 742:16 Time's [1] - 451:25 timed [1] - 466:24 timeout [1] - 716:18 timing [1] - 399:18 TIMPANEAU [1] - 387:8 Timpaneau [1] - 387:8 tiniest [1] - 485:15 Tinker [2] - 122:12, 125:13 tiny [2] - 124:7, 324:1 tip [4] - 478:21, 659:17, 660:7, 796:14 tips [2] - 144:10, 660:1 tired [3] - 123:15, 412:21, 722:19 Title [5] - 2:5, 2:25, 155:9, 487:22, 593:2 title [3] - 116:20, 506:8,</p>	<p>705:5 titled [2] - 68:1, 74:4 tobacco [1] - 41:20 Today [3] - 200:3, 358:21, 567:20 today [97] - 18:19, 20:14, 21:13, 37:15, 41:12, 45:17, 50:10, 61:8, 83:25, 84:17, 84:19, 85:13, 93:10, 95:2, 95:13, 96:5, 110:18, 118:13, 123:11, 123:14, 127:16, 127:21, 155:8, 156:20, 157:1, 157:16, 164:3, 170:2, 176:18, 223:1, 224:2, 228:14, 247:23, 253:21, 258:21, 260:17, 263:9, 268:16, 272:19, 282:23, 283:22, 380:11, 380:13, 382:23, 385:21, 386:5, 388:6, 390:19, 391:6, 396:25, 398:24, 400:13, 400:19, 410:18, 420:4, 426:17, 426:22, 436:22, 450:16, 453:11, 459:2, 466:12, 479:17, 483:15, 510:11, 553:5, 559:8, 594:9, 596:4, 612:9, 612:17, 627:18, 638:25, 639:23, 642:8,</p>	<p>700:3, 716:21, 717:4, 731:14, 731:20, 731:24, 736:9, 746:23, 760:5, 761:5, 763:5, 770:22, 792:2, 794:6, 822:4, 829:19, 829:24, 854:24, 868:4, 869:1, 869:7, 872:4 today's [6] - 93:3, 155:1, 155:18, 333:5, 568:15, 711:18 Todd [4] - 1:19, 3:5, 155:7, 592:24 together [27] - 10:21, 12:13, 13:16, 41:1, 63:15, 176:10, 235:16, 284:4, 307:21, 311:23, 404:23, 405:8, 437:9, 470:15, 506:25, 608:8, 608:11, 608:15, 608:20, 638:7, 639:6, 692:1, 711:11, 714:6, 714:25, 788:18, 817:3 toilet [1] - 67:23 tolerance [1] - 236:14 toll [1] - 623:25 Tom [17] - 11:4, 11:5, 143:13, 386:6, 387:11, 444:7, 447:4, 482:23, 486:22, 486:25, 487:4, 846:23, 847:5, 848:16, 848:17, 862:2 Tom's [2] - 202:16, 274:18 Tomorrow [1] - 567:23 tomorrow</p>	<p>[16] - 11:12, 11:16, 83:25, 144:16, 154:2, 154:5, 154:8, 154:10, 154:15, 266:25, 374:10, 385:7, 444:3, 450:17, 529:19, 592:6 ton [1] - 338:17 toner [1] - 580:5 tonight [83] - 1:6, 1:11, 1:22, 4:14, 5:10, 10:6, 10:10, 10:25, 11:5, 16:11, 20:9, 38:9, 38:17, 38:23, 39:1, 39:9, 39:25, 44:20, 49:4, 54:14, 61:9, 61:25, 72:14, 72:17, 89:16, 89:23, 90:4, 93:24, 96:21, 97:1, 100:12, 100:17, 101:8, 106:24, 119:14, 119:24, 129:23, 130:8, 141:2, 143:20, 144:8, 147:4, 147:11, 385:23, 385:24, 385:25, 441:1, 441:4, 443:23, 460:21, 462:10, 465:3, 468:19, 472:16, 506:2, 508:7, 509:5, 510:2, 511:8, 513:4, 514:1, 515:4, 529:13, 530:10, 531:23, 544:4, 544:6, 544:22, 545:24, 552:21, 554:4, 554:10, 554:16, 554:17, 554:20, 554:24,</p>	<p>559:19, 568:18, 569:3, 569:9, 591:25, 592:3 Tonight [1] - 569:23 tonight's [2] - 153:24, 441:9 tons [25] - 153:15, 258:20, 259:12, 265:13, 280:19, 282:6, 309:2, 309:10, 336:13, 336:14, 337:1, 404:19, 404:20, 411:4, 411:7, 412:4, 412:22, 564:15, 564:16, 564:22, 725:3, 767:3, 767:20, 767:22 Tony [2] - 444:7, 444:18 took [32] - 30:2, 58:23, 80:8, 81:25, 82:17, 150:5, 153:22, 171:5, 206:9, 235:23, 288:12, 413:17, 433:10, 433:16, 434:3, 437:9, 437:16, 464:15, 501:22, 546:16, 583:21, 604:8, 673:12, 700:5, 700:10, 710:16, 710:17, 759:3, 851:25, 870:18, 870:23 tool [11] - 408:18, 408:19, 571:14, 573:20, 627:17, 630:6, 630:9, 722:8, 834:19 toolbox [17] - 196:3, 201:11,</p>
---	--	--	--	---	---	--

<p>202:1, 203:16, 208:6, 224:24, 225:12, 225:16, 395:24, 408:2, 486:7, 726:4, 726:6, 726:9, 757:9, 773:18, 773:20</p> <p>tools [4] - 407:12, 407:13, 407:18, 407:24</p> <p>toothpick [1] - 142:20</p> <p>top [91] - 22:2, 22:5, 29:2, 41:20, 112:8, 116:25, 117:12, 122:3, 122:4, 137:23, 166:18, 209:18, 212:25, 214:16, 215:2, 218:21, 224:23, 226:15, 226:20, 228:3, 231:19, 233:14, 233:23, 234:24, 238:7, 238:9, 238:10, 238:12, 245:7, 245:20, 250:12, 251:8, 288:8, 288:20, 298:12, 298:15, 298:24, 299:5, 302:23, 305:19, 311:10, 315:5, 324:7, 325:2, 325:7, 334:12, 346:18, 348:13, 348:21, 366:11, 382:20, 384:20, 399:6, 428:19, 440:3, 440:11, 445:24, 456:7, 473:18, 476:7, 479:25, 499:16, 509:15, 527:5, 546:17,</p>	<p>551:19, 561:17, 562:22, 614:4, 614:25, 634:22, 660:8, 668:9, 669:22, 678:4, 688:1, 688:22, 690:16, 712:22, 713:19, 714:13, 715:11, 718:2, 724:11, 755:1, 766:15, 767:7, 776:8, 776:11, 795:15, 873:20</p> <p>topic [3] - 267:14, 496:18, 727:19</p> <p>topics [3] - 409:11, 409:16, 416:18</p> <p>topographic al [1] - 844:7</p> <p>topography [11] - 171:12, 196:8, 196:17, 197:1, 197:4, 239:23, 311:22, 353:25, 394:5, 722:14, 726:12</p> <p>tops [14] - 47:17, 94:23, 111:19, 128:20, 146:6, 210:13, 242:13, 244:21, 244:23, 324:1, 393:18, 477:24, 724:16, 725:7</p> <p>Topsham [1] - 147:8</p> <p>tos [1] - 487:15</p> <p>tossed [1] - 714:25</p> <p>total [31] - 7:2, 7:6, 7:9, 7:10, 7:11, 65:17, 159:10, 159:14, 159:18,</p>	<p>159:19, 162:21, 172:23, 212:14, 323:5, 336:14, 337:1, 338:17, 351:19, 352:3, 352:12, 404:17, 404:22, 405:14, 411:10, 443:8, 443:12, 443:15, 443:17, 632:20, 734:15, 759:7</p> <p>totalling [2] - 178:10, 178:11</p> <p>totally [9] - 45:2, 178:12, 383:11, 502:5, 519:7, 617:11, 790:16, 850:7</p> <p>Tote [1] - 738:7</p> <p>touch [8] - 97:2, 168:13, 201:9, 211:1, 279:22, 438:1, 465:9, 628:10</p> <p>touched [2] - 587:13, 588:15</p> <p>tough [6] - 56:2, 87:7, 517:17, 517:18</p> <p>toughed [1] - 893:14</p> <p>toughest [1] - 627:19</p> <p>toughness [1] - 52:21</p> <p>tour [3] - 31:11, 45:19, 172:10</p> <p>touring [1] - 458:22</p> <p>Tourism [2] - 254:8, 551:2</p> <p>tourism [42] - 18:15, 51:20, 99:15, 132:18, 170:4, 254:10, 254:23, 269:9, 269:15, 269:20, 270:7, 270:9, 373:21,</p>	<p>375:5, 375:22, 413:2, 413:20, 413:22, 423:2, 471:15, 472:1, 494:21, 544:8, 550:24, 550:25, 557:5, 557:11, 557:14, 557:15, 558:16, 824:15, 824:18, 832:15, 833:16, 833:17, 844:17, 844:18, 844:22, 845:1, 845:9, 845:13</p> <p>tourism-generated [1] - 51:20</p> <p>tourist [6] - 53:14, 78:10, 88:16, 471:23, 527:1, 847:22</p> <p>tourist-based [1] - 847:22</p> <p>tourists [12] - 24:9, 32:10, 45:6, 45:19, 45:24, 53:13, 375:2, 499:1, 522:11, 526:16, 557:13, 736:24</p> <p>Tourists [1] - 45:25</p> <p>tours [1] - 169:10</p> <p>touting [1] - 48:9</p> <p>towards [16] - 54:9, 137:23, 138:19, 243:12, 364:5, 410:16, 410:20, 430:17, 433:5, 518:17, 554:25, 568:21, 688:4, 689:25, 804:23, 888:19</p> <p>Towards [1] - 74:4</p>	<p>Tower [7] - 92:22, 93:2, 93:7, 93:12, 93:15, 454:24, 790:12</p> <p>tower [39] - 7:1, 19:25, 92:25, 124:7, 124:9, 124:15, 138:1, 138:4, 145:11, 145:19, 159:9, 238:7, 238:10, 291:1, 338:19, 453:1, 477:17, 502:15, 516:2, 531:14, 549:8, 602:20, 618:18, 637:5, 642:10, 642:11, 642:13, 659:15, 660:8, 669:20, 669:21, 672:5, 738:20, 790:15, 790:16, 790:19, 790:20</p> <p>towering [2] - 458:17, 526:18</p> <p>towers [115] - 24:5, 24:6, 26:21, 27:16, 28:13, 29:1, 29:2, 29:23, 30:6, 30:12, 30:23, 32:3, 33:14, 39:7, 39:13, 43:10, 50:11, 50:16, 50:21, 53:9, 53:20, 68:24, 74:18, 74:22, 75:3, 91:14, 93:5, 99:25, 100:2, 104:13, 104:14, 112:10, 117:23, 117:24, 123:6, 124:10, 130:21, 142:4, 145:3, 145:4, 145:5, 145:11, 145:13, 145:15, 145:21, 147:24, 149:4,</p>	<p>172:16, 208:25, 237:11, 237:12, 237:15, 238:6, 238:17, 238:18, 239:21, 239:22, 349:20, 361:1, 390:14, 446:5, 446:6, 452:25, 471:17, 472:21, 473:3, 473:5, 473:6, 473:8, 473:16, 476:12, 482:6, 497:16, 498:9, 501:13, 523:6, 525:5, 525:10, 527:23, 533:1, 534:7, 547:23, 548:4, 548:13, 559:25, 560:4, 560:5, 560:6, 568:9, 568:10, 569:4, 607:20, 618:25, 644:19, 666:13, 667:17, 668:4, 669:13, 669:17, 670:8, 677:15, 690:14, 693:15, 693:17, 708:4, 724:12, 724:13, 790:13, 790:22</p> <p>town [11] - 38:10, 38:12, 57:11, 88:23, 97:17, 222:11, 374:25, 468:4, 492:14, 543:25, 889:22</p> <p>Town [8] - 159:2, 266:16, 267:4, 500:9, 521:24, 552:6, 844:5</p> <p>towns [10] - 17:25, 19:9, 67:20, 260:5, 446:9, 458:4, 538:15, 753:6, 807:4, 837:7</p> <p>Township</p>	<p>[26] - 2:11, 2:19, 6:9, 71:4, 106:21, 116:11, 147:22, 155:14, 158:4, 158:19, 158:20, 442:14, 442:24, 442:25, 477:12, 496:6, 521:24, 527:19, 531:10, 536:8, 538:9, 566:12, 593:7, 697:2, 816:17</p> <p>township [3] - 531:11, 697:7, 697:15</p> <p>Townships [2] - 6:19, 147:16</p> <p>townships [2] - 36:24, 503:18</p> <p>toxic [1] - 826:19</p> <p>toying [1] - 133:1</p> <p>Toyota [1] - 135:11</p> <p>Toyoto [1] - 564:24</p> <p>TRACEY [8] - 761:9, 761:14, 762:23, 763:2, 768:7, 829:12, 829:17, 834:4</p> <p>Tracey [2] - 761:10, 829:12</p> <p>track [13] - 10:22, 164:22, 165:2, 179:23, 186:15, 310:25, 530:6, 630:24, 777:23, 777:24, 888:21, 893:9, 893:16</p> <p>tracked [6] - 230:11, 272:25, 435:3, 727:24, 885:23, 885:24</p> <p>tracking [2] -</p>
---	---	--	---	---	---	--

<p>302:8, 798:9</p> <p>tracts [1] - 599:19</p> <p>Trade [1] - 403:21</p> <p>trade [23] - 98:15, 104:13, 104:24, 106:1, 134:14, 134:15, 185:16, 457:8, 737:3, 858:2, 858:11, 858:19, 858:21, 859:3, 860:20, 866:14, 868:17, 881:23, 881:25, 882:2, 882:5, 882:15, 882:23</p> <p>trade-off [3] - 104:24, 185:16, 737:3</p> <p>trade-offs [4] - 104:13, 134:14, 134:15, 457:8</p> <p>tradeoff [1] - 655:6</p> <p>trades [5] - 277:4, 277:7, 866:7, 866:10, 866:11</p> <p>tradition [1] - 613:11</p> <p>traditional [4] - 102:15, 102:24, 149:24, 406:18</p> <p>traffic [3] - 53:15, 558:11, 558:12</p> <p>TRAFTON [30] - 373:6, 373:8, 373:18, 374:8, 374:11, 376:10, 376:13, 377:25, 378:3, 379:3, 379:9, 379:13, 380:16, 381:5, 381:25, 382:3, 383:20, 421:23, 422:2, 422:8, 423:11, 426:2, 457:19,</p>	<p>842:13, 843:18, 843:21, 845:23, 846:15, 846:19, 859:20</p> <p>Trafton [12] - 373:8, 421:22, 421:23, 454:10, 457:16, 457:20, 832:17, 842:11, 842:14, 846:18, 846:19, 883:19</p> <p>tragedy [2] - 410:15, 486:1</p> <p>Trail [242] - 10:14, 14:21, 14:22, 19:8, 22:17, 33:12, 33:19, 36:23, 36:24, 37:10, 37:11, 45:6, 48:3, 52:24, 55:18, 74:6, 74:11, 74:16, 75:3, 75:5, 80:15, 80:17, 80:21, 83:1, 91:24, 99:19, 138:25, 139:3, 220:22, 224:10, 225:20, 225:25, 226:4, 247:18, 248:9, 249:2, 284:2, 317:9, 318:21, 319:11, 319:14, 320:11, 320:12, 320:13, 320:16, 320:20, 323:25, 324:10, 325:2, 345:13, 345:16, 345:19, 345:20, 350:19, 355:4, 427:3, 429:7, 429:13, 429:18, 473:18, 483:6,</p>	<p>487:1, 488:10, 491:24, 492:2, 501:23, 502:4, 502:15, 503:6, 516:13, 521:2, 524:9, 525:24, 540:14, 543:3, 546:6, 546:17, 547:21, 554:13, 566:17, 566:19, 575:1, 575:24, 595:14, 595:17, 595:20, 595:23, 596:15, 596:16, 596:18, 597:10, 598:7, 598:19, 599:4, 599:7, 599:10, 599:12, 599:17, 599:19, 600:1, 600:7, 600:12, 600:24, 601:12, 602:1, 603:2, 603:23, 607:7, 611:7, 612:4, 612:10, 612:12, 612:14, 612:16, 612:18, 612:23, 613:1, 613:2, 613:4, 614:11, 615:5, 615:15, 616:9, 619:2, 619:24, 621:20, 622:2, 622:9, 624:11, 625:13, 625:15, 625:20, 627:21, 628:23, 629:1, 629:2, 629:14, 629:20, 630:4, 630:23, 631:3, 631:5, 631:21, 634:2, 634:24, 641:2, 641:5, 641:6, 641:7, 641:14, 641:21, 642:2, 642:4, 642:6, 643:1, 650:10, 663:7, 663:14,</p>	<p>667:13, 673:23, 674:1, 674:8, 674:10, 675:9, 675:10, 676:19, 677:5, 677:8, 677:10, 684:12, 684:13, 685:21, 686:24, 688:24, 690:23, 691:1, 691:2, 692:2, 698:21, 699:7, 701:17, 701:21, 701:25, 702:15, 702:16, 702:20, 703:8, 735:10, 735:16, 736:9, 736:13, 737:9, 737:11, 737:15, 738:4, 738:6, 738:18, 738:21, 741:11, 742:8, 746:16, 746:17, 746:18, 746:20, 746:24, 747:4, 747:6, 747:18, 749:18, 749:20, 750:6, 751:16, 751:20, 751:22, 751:23, 751:25, 752:1, 752:14, 777:22, 778:2, 778:5, 778:15, 778:17, 801:15, 802:2, 802:4, 802:24, 806:12, 808:7, 808:20, 809:23, 810:2, 810:6, 812:16</p> <p>trail [151] - 14:22, 14:24, 37:11, 52:3, 52:6, 52:8, 59:1, 74:8, 131:15, 138:8, 169:6, 172:11, 173:19, 226:2, 247:16, 248:23,</p>	<p>249:22, 319:12, 319:25, 320:1, 320:2, 320:13, 320:24, 388:14, 388:18, 488:12, 492:1, 502:1, 502:5, 511:25, 524:10, 538:13, 546:16, 576:14, 596:20, 597:4, 599:6, 599:22, 600:4, 600:8, 602:2, 603:20, 604:6, 607:6, 607:14, 611:18, 612:20, 613:5, 613:9, 613:12, 613:25, 614:5, 614:8, 614:15, 614:24, 614:25, 615:19, 616:2, 616:3, 616:4, 616:10, 616:15, 617:13, 618:24, 620:8, 621:8, 621:14, 621:18, 622:22, 625:16, 625:17, 625:18, 625:19, 627:23, 629:18, 635:7, 637:6, 640:22, 641:6, 641:13, 641:14, 641:15, 642:24, 643:4, 646:20, 657:9, 660:9, 674:9, 677:8, 684:6, 684:22, 684:23, 686:8, 688:24, 689:1, 691:24, 692:8, 693:16, 695:4, 695:13, 698:10, 702:12, 702:13, 702:23, 703:2, 735:21, 736:3,</p>	<p>736:9, 736:11, 736:14, 738:10, 746:22, 747:20, 747:24, 747:25, 751:16, 752:7, 752:10, 752:16, 752:18, 753:8, 775:19, 777:14, 777:16, 777:19, 779:14, 779:22, 801:17, 801:19, 802:20, 802:23, 802:25, 803:5, 803:6, 803:13, 803:24, 804:1, 804:2, 804:4, 889:21, 890:1, 890:4, 890:6, 890:12, 890:17, 891:12</p> <p>trail's [1] - 247:7</p> <p>Trails [2] - 629:13, 752:13</p> <p>trails [35] - 48:4, 53:6, 226:23, 233:4, 233:15, 240:23, 240:25, 295:22, 296:2, 296:13, 296:20, 319:9, 324:13, 487:13, 500:5, 547:15, 555:9, 579:12, 584:17, 605:14, 605:15, 613:23, 629:2, 631:7, 635:14, 685:22, 685:23, 686:1, 691:23, 732:17, 748:11, 779:3, 891:7</p> <p>train [1] - 501:22</p>	<p>trained [3] - 179:6, 396:7, 562:1</p> <p>Training [1] - 688:8</p> <p>training [4] - 460:20, 540:12, 697:5, 697:15</p> <p>trains [1] - 525:18</p> <p>tramp [1] - 504:10</p> <p>trampolines [1] - 547:6</p> <p>TransCanada [10] - 128:9, 305:12, 359:22, 359:23, 363:11, 391:9, 744:19, 814:18, 875:23, 876:25</p> <p>TransCanada's [2] - 364:13, 877:6</p> <p>transcribed [1] - 3:13</p> <p>transferred [1] - 773:24</p> <p>transformati ve [1] - 705:16</p> <p>transformed [1] - 802:18</p> <p>transient [2] - 108:3, 424:20</p> <p>transitions [1] - 205:12</p> <p>translate [1] - 589:19</p> <p>translated [2] - 437:6, 437:7</p> <p>transmissio n [94] - 13:15, 13:23, 29:24, 162:4, 166:2, 166:21, 166:25, 167:12, 167:20, 173:1, 173:2, 188:20, 204:25, 205:2, 223:23, 224:6, 225:18, 229:25, 257:16, 258:11, 259:20,</p>
---	--	--	---	--	--	--

<p>281:22, 286:15, 289:10, 290:13, 290:14, 290:16, 290:21, 293:20, 307:19, 307:23, 307:24, 308:2, 308:5, 312:11, 312:14, 312:18, 313:3, 313:16, 327:16, 328:17, 342:2, 348:20, 360:1, 360:3, 360:5, 360:11, 360:13, 369:12, 369:20, 369:24, 371:1, 371:3, 371:9, 371:13, 371:14, 371:15, 372:13, 394:10, 409:17, 456:5, 561:23, 579:15, 636:5, 701:23, 709:16, 710:4, 711:5, 712:7, 713:12, 714:14, 719:4, 737:6, 744:17, 744:18, 744:20, 744:21, 747:12, 770:3, 770:10, 779:4, 796:17, 807:20, 807:24, 808:2, 813:1, 813:19, 850:24, 854:16, 875:10, 875:16, 875:22, 875:23</p> <p>Transmissio n [1] - 357:25 transmissio n-related [1] - 360:13 transmit [2] -</p>	<p>148:25, 876:2 transparent [1] - 609:12 transpire [1] - 450:16 Transportati on [2] - 763:12, 765:5 transportati on [6] - 31:11, 42:15, 72:16, 466:20, 723:22, 763:7 transportin g [1] - 140:17 trap [5] - 298:6, 298:10, 396:10, 728:20, 729:18 trapped [2] - 299:19, 727:17 traps [1] - 145:23 trash [1] - 26:9 travel [7] - 221:1, 254:13, 257:8, 311:7, 412:23, 527:1, 760:23 traveled [1] - 197:13 traveler [1] - 890:8 travelled [7] - 35:8, 86:24, 420:4, 420:5, 497:20, 499:4, 526:11 travelling [1] - 39:3 traverse [3] - 144:12, 616:19, 629:15 traverses [2] - 596:17, 749:21 Travis [1] - 129:23 treasure [7] - 45:4, 45:5, 45:8, 46:11, 458:5, 472:11, 496:8 treasured [2] - 473:14, 598:3</p>	<p>treasurer [1] - 63:5 treat [2] - 66:9, 523:1 treated [4] - 99:22, 318:25, 320:3, 320:7 treating [2] - 236:8, 293:13 treatment [2] - 198:11, 864:17 tree [29] - 30:21, 205:16, 245:19, 327:11, 327:21, 406:15, 415:4, 415:6, 464:13, 464:15, 464:16, 464:17, 464:20, 474:19, 633:14, 633:17, 633:20, 634:3, 634:14, 646:7, 646:9, 646:12, 646:14, 691:22, 701:4, 748:23, 792:5, 792:6 trees [39] - 22:19, 27:13, 27:14, 74:14, 114:14, 115:15, 116:25, 144:20, 214:23, 227:14, 235:9, 245:7, 246:23, 324:1, 327:20, 327:23, 560:4, 568:4, 568:5, 619:15, 619:21, 619:25, 634:11, 646:19, 646:20, 649:17, 653:2, 653:13, 653:16, 656:16, 656:17, 668:5, 714:16, 730:1, 733:10, 792:9, 794:22,</p>	<p>856:17 Trees [1] - 475:1 treetops [2] - 517:12, 733:7 tremendous [11] - 11:17, 11:22, 166:4, 173:5, 255:15, 261:15, 406:9, 407:25, 415:22, 460:8, 478:4 tremendous ly [1] - 187:19 trench [1] - 532:4 trenched [1] - 532:7 trend [9] - 102:14, 254:15, 261:12, 261:19, 351:6, 351:9, 421:18, 778:3, 782:23 trends [2] - 799:3, 799:4 Trenton's [1] - 449:7 Trial [2] - 472:9, 597:8 Trident [1] - 565:5 tried [14] - 86:18, 115:9, 135:9, 264:7, 277:22, 280:14, 381:18, 409:20, 411:24, 517:1, 538:12, 711:21, 805:23, 861:12 tries [1] - 416:3 trigger [1] - 637:1 trigonometr y [1] - 608:22 trim [2] - 571:16, 571:19 Trimble [1] - 106:15 trimming [1] - 701:5 trip [14] -</p>	<p>58:23, 73:17, 80:20, 166:16, 206:9, 525:23, 525:25, 546:12, 556:4, 556:8, 658:11, 676:20, 771:23, 773:6 trips [8] - 71:10, 80:13, 80:14, 126:2, 547:22, 566:21, 621:20, 773:9 troops [1] - 63:3 tropical [1] - 732:5 tropics [1] - 760:23 trouble [1] - 163:19 troubles [1] - 411:24 troubling [1] - 489:11 trough [1] - 403:18 truck [2] - 243:5, 764:6 trucked [4] - 453:2, 453:3, 766:13, 766:20 trucking [1] - 479:22 truckloads [1] - 724:15 trucks [10] - 308:25, 311:3, 452:24, 505:12, 560:9, 564:18, 568:5, 709:15, 723:23, 763:7 true [79] - 96:4, 109:20, 127:3, 135:8, 180:16, 198:20, 223:7, 265:10, 277:20, 325:11, 325:14, 325:15, 344:5, 344:9, 347:9, 375:21, 383:6, 383:12, 391:12, 394:7, 415:8, 415:25,</p>	<p>424:16, 424:24, 438:13, 485:17, 487:5, 561:10, 572:15, 572:19, 573:3, 573:6, 574:22, 576:9, 576:17, 578:19, 581:10, 583:1, 589:3, 631:20, 632:21, 633:14, 634:17, 673:12, 678:7, 679:2, 684:2, 700:11, 742:22, 745:20, 749:17, 765:17, 772:4, 776:10, 777:18, 778:11, 780:24, 781:3, 781:9, 781:14, 784:4, 784:12, 785:20, 785:24, 786:9, 788:3, 792:15, 793:12, 793:17, 793:23, 823:22, 829:8, 853:8, 858:4, 860:13, 860:24, 888:15, 892:17 truly [9] - 37:13, 86:3, 167:17, 287:5, 528:2, 612:16, 613:5, 663:1, 810:24 trump [1] - 606:16 Trump [2] - 449:4, 449:5 trumped [1] - 493:12 truncated [1] - 769:19 trust [9] - 31:2, 37:3, 62:7, 185:9, 459:5, 487:18, 611:1, 655:14, 745:14</p>	<p>Trust [7] - 63:7, 70:7, 487:1, 491:24, 521:3, 530:21, 575:1 trustee [1] - 483:7 Trustees [1] - 483:7 Trusts [1] - 202:14 trustworthy [1] - 31:6 Truth [1] - 256:2 truth [6] - 20:19, 39:12, 56:4, 408:10, 613:22, 722:20 truthfully [1] - 50:17 Try [1] - 517:17 try [50] - 83:20, 83:21, 125:3, 137:20, 163:3, 215:17, 216:5, 234:19, 239:3, 282:25, 380:18, 387:20, 407:2, 430:23, 438:15, 452:1, 460:22, 463:7, 471:9, 480:4, 480:13, 491:10, 540:10, 564:23, 571:1, 575:8, 589:2, 594:25, 595:3, 597:6, 597:13, 603:19, 618:1, 622:13, 626:6, 631:17, 635:2, 671:7, 699:17, 699:25, 710:23, 714:8, 720:22, 768:8, 833:2, 833:23, 834:17, 854:14, 867:23, 893:2 trying [63] - 4:25, 15:10, 31:12, 31:13, 109:22, 118:13, 172:21,</p>
---	--	---	---	--	---	---

<p>185:10, 208:21, 209:21, 209:23, 231:16, 239:20, 257:11, 262:2, 270:6, 273:23, 286:8, 286:25, 299:10, 316:2, 347:5, 395:9, 395:25, 407:18, 450:20, 462:8, 503:21, 508:15, 522:21, 531:25, 552:20, 554:18, 584:21, 586:15, 591:9, 610:23, 612:9, 622:1, 622:19, 623:1, 629:23, 637:13, 642:25, 649:25, 662:6, 663:6, 678:13, 693:10, 757:19, 775:21, 799:2, 801:25, 802:21, 803:16, 812:22, 830:2, 855:12, 874:4, 875:17, 875:21, 893:15</p> <p>tsunamis [1] - 68:21</p> <p>tuberculosis s [1] - 41:19</p> <p>tubular [1] - 790:19</p> <p>Tuerck [1] - 413:8</p> <p>Tuesday [3] - 389:2, 567:19, 567:25</p> <p>tune [1] - 206:23</p> <p>tuning [1] - 294:4</p> <p>tunnel [4] - 69:4, 130:6, 131:12, 326:19</p> <p>Turbine [6] -</p>	<p>176:5, 196:14, 198:12, 289:3, 351:3, 351:8</p> <p>turbine [119] - 7:1, 11:25, 12:16, 12:18, 19:18, 19:21, 28:3, 28:8, 32:4, 83:8, 88:12, 125:9, 136:21, 159:9, 164:16, 165:15, 165:16, 173:7, 173:13, 176:18, 177:3, 177:4, 177:5, 177:9, 177:14, 177:15, 177:19, 178:22, 178:23, 178:24, 190:19, 191:11, 193:9, 193:19, 193:20, 194:1, 194:4, 194:7, 194:9, 194:10, 194:13, 194:15, 194:16, 197:19, 198:12, 222:4, 223:12, 235:5, 244:4, 250:12, 271:16, 304:9, 309:20, 310:24, 314:21, 325:11, 328:1, 328:2, 347:11, 350:25, 351:4, 352:13, 355:24, 356:4, 365:16, 365:19, 366:16, 366:22, 367:17, 377:9, 377:15, 378:7, 378:11, 384:13, 384:21, 429:22, 443:7, 445:1, 445:7, 456:8, 456:10, 543:7, 543:13, 549:1, 577:7, 577:10, 606:24,</p>	<p>606:25, 607:2, 649:15, 652:23, 657:3, 659:20, 660:25, 668:14, 673:20, 679:11, 704:17, 732:11, 733:4, 762:8, 791:14, 791:22, 794:13, 795:5, 795:17, 796:19, 821:1, 828:15, 832:9, 859:5, 862:8, 869:18</p> <p>turbines [283] - 2:15, 6:16, 6:23, 10:15, 10:17, 17:20, 18:20, 19:6, 19:8, 19:11, 21:18, 21:24, 24:4, 24:10, 25:17, 26:13, 26:18, 27:1, 27:3, 27:7, 27:16, 28:21, 29:8, 29:18, 31:19, 32:13, 47:18, 47:22, 50:19, 74:25, 76:14, 77:18, 79:23, 80:22, 88:17, 88:18, 88:19, 92:8, 92:10, 92:15, 93:3, 93:4, 117:6, 117:9, 119:5, 124:22, 125:6, 140:9, 140:15, 144:9, 144:18, 144:23, 145:15, 145:24, 151:7, 158:13, 159:5, 159:6, 167:21, 172:23, 176:6, 176:22, 176:25, 178:12, 183:14, 184:6, 184:9, 184:14, 188:25, 194:14, 205:9, 222:13, 222:19, 223:8, 223:16,</p>	<p>226:19, 228:1, 228:2, 238:6, 242:4, 244:25, 245:5, 245:6, 245:13, 246:24, 247:2, 247:6, 247:8, 249:8, 254:17, 254:18, 288:19, 302:24, 309:8, 309:23, 310:22, 315:6, 325:5, 326:2, 326:11, 328:1, 333:7, 334:17, 338:12, 346:3, 346:10, 346:12, 346:13, 346:14, 347:10, 347:14, 347:16, 347:22, 347:23, 348:1, 348:4, 348:6, 348:13, 348:20, 348:22, 349:20, 355:20, 355:25, 356:11, 356:15, 362:5, 366:7, 366:14, 366:19, 367:17, 367:19, 367:21, 368:6, 376:17, 376:19, 376:23, 377:10, 377:17, 377:22, 384:10, 384:13, 399:7, 427:18, 428:3, 429:11, 429:12, 429:13, 429:16, 429:19, 442:20, 443:3, 443:4, 445:6, 445:9, 445:23, 474:16, 476:14, 515:23, 516:3, 516:5, 517:11,</p>	<p>518:23, 522:6, 522:19, 524:13, 524:19, 537:14, 543:5, 555:16, 555:25, 556:6, 561:22, 576:4, 576:19, 577:3, 577:7, 577:24, 578:12, 578:16, 578:17, 578:21, 606:22, 607:1, 607:8, 607:11, 609:10, 609:16, 619:5, 620:2, 620:6, 639:2, 639:5, 639:9, 642:10, 646:13, 646:15, 646:18, 648:15, 649:11, 649:22, 650:2, 650:19, 651:14, 652:1, 652:4, 652:8, 652:10, 652:14, 652:20, 653:10, 653:15, 653:25, 655:16, 655:18, 656:2, 657:3, 657:4, 657:9, 659:14, 660:15, 661:25, 662:10, 663:16, 665:16, 665:18, 666:2, 668:19, 668:23, 671:10, 671:11, 672:16, 678:18, 683:2, 685:7, 685:10, 688:14, 689:2, 689:10, 691:12, 691:14, 692:11, 692:20, 694:7, 694:16, 701:2, 703:21,</p>	<p>703:23, 704:4, 704:13, 704:14, 704:21, 705:25, 706:8, 706:9, 732:10, 733:12, 733:20, 761:17, 762:10, 790:6, 790:8, 790:10, 792:3, 794:25, 796:7, 796:10, 810:1, 810:5, 811:12, 811:13, 844:15, 854:8, 854:9, 862:6, 869:15, 869:17, 891:10</p> <p>Turbines [5] - 289:1, 578:16, 762:11, 762:14, 762:20</p> <p>turbulence [1] - 245:15</p> <p>turn [34] - 12:25, 16:12, 36:6, 68:13, 166:6, 167:9, 170:18, 174:9, 246:13, 280:10, 325:22, 325:23, 335:22, 338:23, 342:15, 367:22, 472:17, 511:22, 517:23, 537:19, 544:11, 549:24, 570:21, 580:14, 613:2, 637:9, 638:16, 761:7, 789:3, 822:12, 824:4, 847:5, 848:16, 852:23</p> <p>turned [4] - 45:25, 173:16, 468:18, 861:24</p> <p>turning [9] - 59:5, 98:12,</p>	<p>197:21, 341:9, 343:18, 492:18, 516:3, 642:18, 865:9</p> <p>Turnouts [1] - 198:1</p> <p>turnouts [1] - 198:25</p> <p>turnpike [2] - 308:24, 309:11</p> <p>turns [5] - 264:3, 378:20, 583:23, 852:8, 857:15</p> <p>turret [1] - 708:7</p> <p>TV [1] - 117:24</p> <p>tweak [1] - 694:20</p> <p>Tweed [1] - 103:19</p> <p>twice [8] - 111:16, 216:11, 271:1, 285:9, 531:17, 606:8, 606:10, 724:8</p> <p>twig [1] - 27:14</p> <p>Twin [1] - 172:1</p> <p>two [186] - 5:25, 13:10, 13:15, 19:9, 29:24, 33:21, 42:6, 50:10, 61:11, 65:13, 73:4, 88:16, 98:2, 102:21, 104:21, 106:20, 122:19, 127:12, 130:19, 135:13, 144:18, 157:10, 158:3, 158:5, 163:7, 166:1, 168:6, 172:6, 172:16, 175:11, 183:16, 194:3, 207:2, 211:21, 213:24, 215:18, 215:25, 230:19, 231:19,</p>
--	---	--	---	--	---	--

231:25, 233:10, 234:8, 246:16, 262:3, 266:15, 268:1, 273:16, 282:17, 284:9, 290:18, 299:19, 304:24, 305:4, 326:14, 326:18, 334:1, 339:19, 341:21, 342:3, 351:15, 351:24, 352:20, 352:23, 359:7, 364:15, 376:22, 377:4, 377:6, 377:8, 377:14, 378:18, 379:5, 379:6, 385:13, 388:16, 398:15, 401:25, 404:3, 406:19, 409:10, 416:16, 435:15, 435:23, 437:18, 439:25, 445:24, 447:11, 463:15, 465:3, 478:9, 481:7, 483:1, 499:14, 506:19, 509:3, 510:3, 512:13, 529:25, 530:16, 532:20, 534:4, 534:11, 564:15, 567:2, 567:7, 569:25, 574:12, 574:15, 585:8, 586:8, 596:13, 615:21, 618:14, 618:15, 624:23, 625:2, 640:4, 648:3, 648:20, 654:4, 654:13, 663:3, 663:25, 666:9, 679:6, 682:5, 683:8, 692:1, 695:6, 702:24, 703:5, 703:9,	704:8, 708:9, 708:12, 710:12, 712:8, 716:1, 724:12, 725:19, 727:17, 740:15, 741:21, 742:7, 751:18, 754:21, 761:19, 773:13, 785:16, 797:21, 799:2, 801:3, 801:24, 814:24, 822:7, 823:23, 831:6, 831:9, 837:10, 838:2, 839:6, 839:10, 839:18, 840:12, 843:22, 845:7, 846:7, 846:20, 846:21, 848:12, 861:21, 867:4, 867:9, 867:25, 869:8, 873:22, 874:18, 882:8, 883:6, 883:9, 892:2 Two [7] - 104:19, 178:10, 192:7, 445:5, 449:19, 449:22, 459:10 two-fold [1] - 785:16 two-man [5] - 376:22, 377:8, 379:5, 379:6 two-part [1] - 266:15 two-person [1] - 376:22 two-season [1] - 211:21 two-thirds [4] - 168:6, 351:15, 352:20, 352:23 tying [1] - 625:25 type [62] - 11:25, 12:11, 28:11, 40:21, 98:13, 109:10,	114:15, 115:25, 188:19, 194:5, 218:23, 233:1, 245:18, 255:14, 264:4, 303:8, 304:12, 306:12, 309:7, 310:6, 310:8, 310:10, 334:15, 337:3, 363:21, 379:7, 391:6, 397:9, 403:4, 408:24, 461:11, 462:4, 467:7, 489:14, 489:17, 575:7, 633:22, 635:9, 645:14, 650:14, 668:15, 668:17, 670:3, 670:4, 685:11, 717:21, 721:20, 729:7, 735:3, 744:5, 758:6, 759:12, 789:23, 790:15, 792:6, 792:8, 792:9, 811:6 Types [1] - 227:12 types [32] - 23:8, 184:1, 188:22, 191:12, 211:8, 213:10, 242:10, 249:11, 252:11, 335:24, 339:10, 367:4, 382:12, 406:15, 481:12, 539:15, 611:17, 624:8, 624:14, 683:18, 718:2, 718:19, 721:6, 777:13, 788:15, 798:19, 803:22, 806:25, 840:19, 863:24, 865:13, 865:18 typical [21] -	198:5, 198:12, 260:21, 264:17, 265:5, 306:9, 331:1, 337:6, 337:11, 343:6, 354:19, 376:15, 377:19, 507:5, 632:24, 689:7, 840:1, 865:1, 893:11 Typically [1] - 853:11 typically [11] - 235:4, 260:19, 303:25, 377:19, 402:13, 422:19, 438:3, 709:3, 748:12, 748:17, 750:2	623:20, 624:2, 624:3, 636:18, 637:1 unaffected [1] - 646:15 unamended [1] - 314:25 unanimous [1] - 545:25 unaware [1] - 643:10 unbalanced [1] - 251:24 unblemished [1] - 71:15 unbridled [1] - 706:24 unbroken [1] - 71:14 uncertain [1] - 106:2 uncertainty [1] - 449:16 unchanged [4] - 338:1, 338:2, 458:6, 629:22 unchecked [1] - 74:20 uncommon [1] - 655:11 uncommonly [1] - 247:11 undeniable [1] - 508:14 under [57] - 29:8, 63:3, 95:1, 165:4, 178:13, 184:24, 189:23, 189:24, 220:10, 225:19, 238:14, 248:7, 258:8, 259:11, 275:19, 319:24, 337:7, 339:22, 357:14, 357:25, 358:10, 402:4, 403:21, 449:13, 476:17, 483:11, 491:19, 495:1, 495:2, 564:3, 572:22, 573:20,	574:12, 579:9, 579:17, 583:25, 641:8, 641:9, 641:10, 641:11, 643:24, 647:18, 647:22, 650:13, 658:23, 659:24, 672:13, 675:16, 713:22, 714:15, 731:8, 765:14, 779:9, 823:12, 878:22, 879:6, 879:16 Under [5] - 178:20, 321:21, 405:3, 449:22, 652:5 underdeveloped [1] - 46:3 underestimated [2] - 144:18, 144:24 underestimated [2] - 457:7, 795:15 undergo [1] - 806:20 underground [10] - 2:16, 119:7, 172:25, 205:7, 205:10, 205:13, 205:18, 796:17, 796:18 Underhill [11] - 247:14, 317:10, 595:13, 615:11, 631:14, 634:23, 637:9, 638:22, 638:24, 640:18 UNDERHILL [18] - 595:10, 611:20, 614:13, 615:23, 616:21, 616:25, 617:7, 617:10,	617:15, 619:11, 621:11, 622:13, 622:18, 622:24, 623:3, 627:16, 628:20, 630:7 underlaid [1] - 63:6 underlying [3] - 203:24, 204:13, 407:2 undermine [1] - 824:4 underneath [1] - 223:10 underscores [1] - 87:16 understandably [1] - 754:18 understanding [1] - 29:17 understood [7] - 183:3, 340:23, 396:7, 676:25, 769:25, 786:5, 864:23 understory [1] - 729:23 undertaken [1] - 774:20 undertaking [1] - 204:16 underutilized [1] - 528:23 underway [3] - 578:4, 592:16, 835:7 undevolved [10] - 43:1, 456:13, 463:23, 488:20, 489:15, 522:7, 529:7, 545:4, 695:3, 695:4 undisputed [1] - 54:16 undisturbed [1] - 328:20 undocumented [1] - 848:10 undue [48] - 14:11, 16:5, 174:6, 179:16, 199:19, 199:22, 202:4,
---	---	---	--	---	--	--

<p>203:21, 204:18, 214:12, 219:9, 228:9, 228:24, 235:17, 236:18, 250:23, 266:5, 312:7, 390:24, 393:1, 428:1, 461:7, 511:3, 511:4, 511:10, 511:11, 511:18, 511:21, 518:11, 519:6, 553:19, 553:23, 556:17, 609:18, 610:15, 618:8, 682:15, 682:19, 684:5, 686:16, 722:22, 728:11, 728:23, 731:22, 744:2, 774:11, 774:19</p> <p>undulation [1] - 354:3</p> <p>unduly [2] - 3:21, 694:13</p> <p>unedited [1] - 710:18</p> <p>unending [1] - 25:20</p> <p>unequivocal [1] - 540:25</p> <p>unequivocal ly [1] - 727:25</p> <p>unfolds [1] - 432:17</p> <p>unfortunate [3] - 421:17, 421:19, 563:9</p> <p>unfortunatel y [8] - 351:6, 562:14, 623:23, 626:25, 686:24, 696:22, 734:7, 873:4</p> <p>Unfortunate ly [6] - 44:8, 87:4, 127:17, 490:14, 508:18, 829:20</p>	<p>unfragment ed [9] - 231:2, 236:11, 741:7, 742:12, 742:24, 743:6, 780:25, 781:14, 810:19</p> <p>unhappy [1] - 140:13</p> <p>unhealthy [2] - 87:3, 580:11</p> <p>unidentified [1] - 573:2</p> <p>unified [1] - 470:17</p> <p>unincrease d [1] - 53:7</p> <p>union [1] - 63:2</p> <p>Union [2] - 456:25, 558:20</p> <p>unique [16] - 96:2, 445:12, 446:13, 446:15, 447:9, 475:13, 491:17, 493:23, 496:24, 501:1, 522:16, 686:10, 694:12, 722:16, 776:18, 854:2</p> <p>uniqueness [1] - 531:2</p> <p>unit [22] - 277:24, 277:25, 278:4, 318:21, 318:23, 338:22, 340:1, 343:9, 343:10, 343:12, 343:13, 358:3, 369:21, 380:24, 475:22, 598:4, 599:5, 612:14, 613:10, 641:15, 753:2</p> <p>unite [1] - 53:2</p> <p>United [42] - 12:21, 39:19, 47:14, 63:11, 117:19, 174:25,</p>	<p>188:21, 221:11, 275:12, 294:25, 407:14, 421:7, 427:2, 446:12, 469:3, 472:23, 518:12, 535:1, 557:3, 564:2, 564:3, 564:8, 566:23, 582:16, 629:25, 641:3, 644:12, 644:17, 645:15, 659:7, 682:22, 734:1, 747:24, 789:10, 793:13, 793:25, 848:22, 849:19, 849:22, 850:4, 882:3, 882:5</p> <p>units [18] - 12:19, 259:11, 286:23, 319:11, 339:1, 339:2, 339:7, 364:2, 423:20, 596:4, 596:9, 596:13, 611:17, 611:24, 614:18, 715:1</p> <p>universal [3] - 92:18, 297:5, 368:1</p> <p>universally [1] - 754:25</p> <p>universe [2] - 113:24, 294:19</p> <p>universities [4] - 260:5, 276:14, 280:11, 406:23</p> <p>University [13] - 76:9, 77:15, 84:9, 85:3, 86:1, 262:5, 374:3, 413:7, 529:16, 542:4, 567:3, 716:24, 739:20</p> <p>university [1] - 76:10</p>	<p>unjustified [1] - 706:17</p> <p>unknown [2] - 212:15, 470:2</p> <p>unknowns [1] - 81:15</p> <p>unless [10] - 35:24, 157:18, 396:6, 451:9, 458:19, 461:6, 654:7, 657:9, 757:15, 862:24</p> <p>Unless [1] - 451:8</p> <p>Unlike [1] - 446:23</p> <p>unlike [4] - 451:21, 612:14, 801:21, 802:19</p> <p>unlikely [1] - 820:14</p> <p>unmitigated [1] - 598:2</p> <p>unmonishe d [1] - 535:15</p> <p>unnatural [1] - 218:24</p> <p>unnecessar y [4] - 21:6, 147:20, 223:14, 447:10</p> <p>unneeded [2] - 724:18, 766:6</p> <p>unorganize d [7] - 102:1, 102:8, 102:16, 150:25, 464:6, 503:18, 538:9</p> <p>unparalle d [2] - 490:25, 596:24</p> <p>unprece ded [2] - 68:20, 818:14</p> <p>unquestion ably [1] - 684:18</p> <p>unreasonab le [3] - 56:17, 228:8, 676:12</p> <p>unregulated [1] - 769:15</p> <p>unrelated [2] - 31:22,</p>	<p>383:11</p> <p>unrouted [1] - 742:2</p> <p>unsafe [1] - 28:2</p> <p>unscientific [1] - 119:25</p> <p>unsightly [1] - 106:2</p> <p>unspoiled [3] - 46:3, 509:7, 511:25</p> <p>unstable [3] - 495:12, 824:2</p> <p>unsurpasse d [1] - 71:14</p> <p>unsustaina ble [1] - 514:12</p> <p>untouched [5] - 7:6, 104:17, 132:13, 159:14, 443:12</p> <p>untoward [1] - 550:6</p> <p>unusual [9] - 29:7, 100:17, 128:3, 128:8, 168:6, 393:18, 491:17, 613:10, 849:5</p> <p>unveiled [1] - 825:1</p> <p>unverified [1] - 820:10</p> <p>unwelcome [1] - 482:12</p> <p>unwilling [2] - 172:18, 515:6</p> <p>Up [4] - 222:5, 329:12, 716:2, 751:24</p> <p>up [453] - 1:8, 3:4, 4:12, 4:25, 5:5, 5:20, 5:24, 21:7, 21:12, 21:20, 21:22, 22:4, 24:22, 27:15, 29:4, 29:6, 29:13, 29:14, 29:15, 29:19, 31:4, 34:8, 34:9, 35:4, 36:4, 40:17, 40:23, 47:18, 47:24, 49:24, 51:8,</p>	<p>57:20, 58:18, 59:8, 60:17, 63:22, 63:25, 65:12, 65:20, 67:18, 68:6, 73:3, 73:17, 77:19, 81:25, 82:18, 83:3, 85:4, 90:2, 97:24, 101:7, 101:12, 102:21, 103:8, 107:16, 109:15, 109:18, 111:12, 111:18, 114:13, 115:10, 116:12, 116:25, 117:1, 117:3, 117:17, 117:21, 117:22, 118:5, 118:10, 118:19, 118:20, 118:21, 122:24, 123:12, 123:25, 124:1, 124:2, 124:21, 128:5, 142:4, 143:6, 143:7, 143:9, 146:9, 146:19, 148:16, 149:5, 149:16, 150:8, 153:19, 154:12, 162:19, 163:5, 163:8, 167:10, 172:9, 174:21, 176:19, 177:5, 177:12, 177:17, 177:20, 183:15, 184:13, 184:15, 185:24, 188:8, 191:6, 197:19, 204:7, 206:11, 207:23, 210:3, 210:5, 210:19, 211:2, 211:12, 212:16, 212:25, 213:3, 213:15, 214:3, 214:21, 214:24, 217:9,</p>	<p>218:23, 219:6, 222:1, 224:21, 225:10, 226:23, 229:19, 230:6, 230:21, 232:13, 235:8, 235:12, 237:12, 239:7, 239:21, 239:25, 242:19, 243:19, 244:8, 244:25, 248:22, 251:4, 251:12, 251:13, 256:7, 260:22, 261:11, 261:12, 263:2, 263:13, 266:21, 267:15, 268:4, 268:19, 268:20, 269:5, 272:16, 282:6, 282:19, 291:21, 303:3, 303:15, 303:19, 308:7, 309:22, 311:3, 311:7, 311:20, 313:20, 313:25, 314:1, 325:12, 326:11, 326:16, 328:3, 331:22, 333:21, 335:1, 335:22, 336:16, 337:7, 339:5, 340:13, 341:20, 351:4, 351:8, 354:11, 362:13, 366:14, 367:5, 370:10, 373:12, 377:8, 378:7, 378:17, 380:13, 392:20, 394:2, 394:12, 394:24, 398:20, 404:5, 406:4, 411:1, 416:24, 422:6, 426:10, 426:15, 431:11, 434:14, 437:8, 437:10,</p>
---	---	---	---	--	---	--

437:13, 437:25, 438:16, 443:22, 448:15, 448:16, 449:11, 450:12, 451:4, 451:11, 451:23, 451:25, 452:12, 453:2, 453:3, 453:14, 453:22, 466:3, 466:12, 467:5, 469:11, 474:3, 475:10, 477:16, 478:20, 479:25, 484:17, 492:13, 493:22, 503:7, 503:15, 504:5, 504:6, 504:7, 504:20, 505:14, 505:16, 505:22, 506:2, 510:1, 512:12, 513:23, 514:13, 514:25, 516:12, 516:21, 517:17, 518:10, 518:23, 519:16, 519:25, 520:4, 520:7, 524:15, 527:16, 527:17, 530:16, 531:20, 532:3, 532:8, 533:9, 537:2, 537:12, 542:23, 543:17, 543:23, 546:20, 546:22, 548:19, 549:13, 554:2, 563:9, 564:24, 565:5, 565:21, 567:14, 570:10, 570:14, 576:22, 586:9, 587:1, 587:19,	588:4, 588:8, 588:9, 590:15, 595:9, 598:8, 602:20, 605:7, 608:25, 612:19, 614:5, 614:7, 614:16, 617:10, 618:2, 619:1, 619:23, 619:24, 620:3, 620:5, 623:11, 629:6, 632:2, 633:24, 634:8, 634:14, 642:16, 653:2, 653:3, 655:15, 655:22, 655:25, 657:9, 658:8, 659:20, 660:10, 660:24, 661:2, 661:15, 661:19, 663:19, 664:20, 667:6, 670:6, 671:9, 672:3, 672:4, 674:15, 676:21, 684:5, 684:15, 687:21, 687:24, 688:19, 689:14, 694:24, 696:17, 697:12, 697:24, 700:3, 709:15, 711:25, 712:5, 712:6, 712:13, 712:22, 713:3, 713:11, 713:23, 714:12, 716:13, 720:6, 720:14, 722:12, 725:1, 727:9, 731:10, 731:19, 733:7, 736:4, 738:20, 738:23, 739:3, 739:5, 751:7, 755:1, 755:20, 756:16, 758:20, 763:25, 766:15, 769:16, 769:22, 771:23, 772:1,	772:5, 773:6, 775:23, 776:5, 776:8, 776:11, 776:14, 777:6, 781:18, 781:20, 783:17, 790:6, 796:18, 799:11, 802:8, 804:15, 804:16, 822:21, 822:23, 824:4, 828:1, 832:18, 834:23, 835:13, 835:20, 835:25, 840:9, 840:14, 844:21, 851:6, 853:7, 857:20, 858:7, 860:13, 861:24, 862:22, 868:21, 872:25, 873:5, 878:2, 878:5, 879:10, 881:10, 884:14, 884:23, 886:9, 886:22, 886:24, 887:4, 890:22 up-slope [1] - 204:7 up-to-date [1] - 380:13 update [1] - 601:3 updated [3] - 346:25, 626:23, 645:7 upgrades [4] - 259:20, 369:19, 369:20, 369:23 upheld [1] - 703:2 uphill [1] - 52:25 uphold [1] - 498:6 upland [3] - 697:7, 730:12 uplifting [1] - 74:11 upper [7] - 206:19,	406:14, 619:21, 622:6, 687:16, 781:20, 808:2 upset [4] - 40:18, 105:21, 665:21, 668:22 upsets [1] - 560:9 upstream [3] - 64:11, 292:20, 586:10 upwards [4] - 123:4, 261:19, 439:12, 800:12 urban [6] - 46:5, 445:10, 620:11, 632:1, 655:13, 861:24, 862:22, 868:21, 872:25, 873:5, 878:2, 878:5, 879:10, 881:10, 884:14, 884:23, 886:9, 886:22, 886:24, 887:4, 890:22 urged [2] - 489:12, 737:10 urgently [1] - 824:24 urges [3] - 44:15, 56:23, 737:25 US [32] - 62:2, 69:4, 200:12, 202:12, 229:2, 326:21, 406:8, 433:21, 439:12, 540:21, 540:22, 543:9, 543:18, 565:2, 581:2, 582:14, 597:22, 600:16, 683:14, 688:7, 741:14, 741:15, 750:1, 806:20, 822:7, 826:3, 827:2, 844:4, 848:20, 871:24, 872:1 US-EPA [3] - 827:2, 848:20,	871:24 US-EPA's [1] - 826:3 USA [5] - 74:7, 74:16, 170:1, 481:3, 893:19 usage [4] - 148:21, 272:16, 274:24 USDA [1] - 597:20 useful [4] - 376:1, 376:3, 672:2, 715:1 user [3] - 37:10, 88:7, 471:8 users [5] - 600:5, 602:1, 630:14, 736:13, 890:12 uses [33] - 3:15, 79:16, 101:22, 102:15, 111:17, 149:24, 174:5, 174:7, 228:8, 299:13, 306:12, 428:1, 461:14, 462:8, 467:7, 472:24, 536:20, 579:4, 579:8, 579:11, 640:11, 640:12, 644:19, 682:16, 686:16, 697:10, 697:11, 728:24, 729:14, 740:5, 740:22, 805:1, 888:21 USGA's [1] - 769:14 USGS [1] - 716:6 usual [2] - 148:2, 592:16 utilities [7] - 358:11, 431:10, 538:19, 539:11, 579:14, 818:2,	822:7 Utilities [5] - 85:2, 843:9, 843:13, 867:16, 874:12 Utility [1] - 538:22 utility [33] - 2:16, 2:20, 6:17, 6:20, 6:25, 7:8, 7:11, 16:24, 17:5, 148:24, 158:15, 158:21, 158:22, 158:24, 159:8, 159:16, 159:19, 178:22, 254:6, 357:23, 357:24, 369:18, 442:22, 442:25, 443:6, 443:16, 539:19, 579:12, 759:8, 818:2, 848:21, 859:25, 865:4 utilize [1] - 529:3 utilizes [2] - 50:8, 428:7 utilizing [3] - 26:5, 26:6, 778:2 utmost [2] - 60:21, 102:9	VA [1] - 708:22 vacant [1] - 18:12 vacation [5] - 27:10, 107:19, 107:22, 454:18, 522:17 vacationers [1] - 108:5 vacuum [1] - 22:24 vague [1] - 725:11 vaguer [1] - 651:4 Vail [1] - 256:16 valid [6] - 24:15, 193:6, 208:24, 306:25, 427:7, 682:12 validity [1] - 364:21 Valley [21] - 49:5, 58:19, 70:7, 71:21, 117:4, 138:11, 158:25, 159:3, 255:6, 255:7, 266:16, 267:2, 471:2, 471:8, 567:11, 735:12, 741:21, 752:12, 885:19, 890:4 valley [10] - 50:7, 242:12, 243:3, 243:19, 243:21, 663:25, 677:4, 685:3, 685:5, 687:23 valleys [4] - 243:11, 446:9, 546:10, 615:2 valuable [13] - 45:15, 51:6, 84:6, 108:11, 123:21, 458:20, 476:21, 683:23, 685:14, 696:1, 696:2, 810:21 valuation [2] - 589:12,
					V	
					V-8 [1] - 736:8 V-90s [2] - 378:7, 733:21 V80s [1] - 349:22 V90 [11] - 177:3, 177:22, 222:21, 245:15, 365:19, 365:22, 377:23, 384:10, 704:16, 795:5, 869:15	

<p>871:5 value [48] - 24:10, 49:7, 105:19, 109:3, 252:8, 272:8, 273:3, 285:23, 322:10, 323:10, 333:12, 347:12, 375:19, 434:20, 434:22, 438:18, 446:2, 446:3, 446:25, 454:3, 485:10, 501:1, 509:6, 509:7, 509:8, 545:15, 552:12, 570:15, 587:16, 589:21, 628:13, 628:18, 628:22, 628:24, 629:6, 630:2, 685:16, 696:4, 703:2, 742:24, 745:3, 746:6, 821:21, 831:4, 832:8, 866:21, 880:24 valued [4] - 96:20, 108:14, 600:7, 686:10 Values [1] - 270:18 values [51] - 95:25, 96:2, 96:8, 147:23, 174:7, 271:20, 320:16, 353:19, 354:7, 354:10, 375:3, 427:11, 428:20, 429:7, 430:16, 490:25, 491:25, 493:5, 493:9, 493:12, 495:14, 495:16, 598:2, 599:24, 600:8, 614:23, 622:1, 628:9, 629:5, 630:3, 682:19, 706:22, 737:24, 740:9, 740:10,</p>	<p>740:18, 740:24, 744:24, 744:25, 745:2, 750:14, 811:1, 824:11, 830:11, 830:16, 831:8, 831:11, 831:16, 832:11, 864:19 vans [1] - 761:17 variable [15] - 92:19, 244:5, 292:6, 292:12, 292:13, 292:25, 589:9, 718:17, 718:18, 718:21, 719:9, 719:12, 719:24, 853:8, 886:25 variables [2] - 150:10, 636:25 variably [2] - 402:19, 403:1 variance [3] - 447:1, 483:18, 484:10 varied [1] - 358:14 varies [5] - 226:2, 403:8, 656:22, 718:19, 866:1 variety [8] - 14:2, 407:18, 445:8, 614:15, 614:19, 747:7, 817:13, 835:24 Various [1] - 857:13 various [24] - 9:2, 186:21, 221:20, 270:1, 284:6, 319:7, 361:1, 376:17, 424:12, 431:25, 434:15, 465:9, 584:2, 588:3, 605:17, 608:6, 611:17, 611:19, 611:20,</p>	<p>613:15, 684:3, 745:18, 800:15, 831:3 vary [3] - 225:13, 313:2, 719:19 varying [3] - 670:9, 684:16, 693:17 vast [4] - 47:15, 464:9, 840:2, 860:24 vastness [1] - 497:11 Vegas [1] - 118:9 vegetate [1] - 212:6 vegetated [1] - 215:3 vegetation [43] - 144:20, 146:12, 146:21, 195:21, 206:17, 207:3, 211:19, 212:22, 212:23, 213:19, 214:9, 216:14, 216:19, 216:25, 218:18, 218:22, 224:17, 224:21, 225:10, 286:22, 287:10, 309:24, 312:23, 495:11, 524:3, 603:25, 604:16, 604:18, 604:19, 646:17, 646:18, 662:16, 698:11, 713:1, 739:2, 739:9, 768:18, 792:5, 800:10, 800:14, 803:25, 826:7 vegetative [2] - 609:24, 698:5 vehicle [4] -</p>	<p>120:24, 412:18, 676:9, 763:15 vehicles [5] - 68:16, 68:18, 79:19, 134:12, 135:13 venture [2] - 62:16, 891:6 Ventures [1] - 848:18 ventures [1] - 63:9 Vera [4] - 454:10, 457:16, 457:20, 462:20 verbal [2] - 344:25, 401:11 verbally [1] - 259:8 verify [1] - 506:5 Vermont [36] - 170:24, 233:14, 240:22, 269:22, 306:23, 316:12, 316:18, 322:9, 420:4, 420:6, 471:21, 473:5, 482:3, 505:5, 534:2, 534:3, 534:6, 534:10, 546:25, 655:2, 681:6, 681:12, 681:17, 682:13, 684:13, 695:11, 695:19, 705:10, 705:17, 706:10, 732:12, 793:3, 793:5, 793:24, 806:16, 826:23 Vermont's [1] - 681:14 vernal [8] - 289:11, 289:14, 289:16, 290:12, 716:13,</p>	<p>729:15, 729:16, 754:25 Vernon [2] - 491:6, 494:4 Verona [1] - 33:15 versed [2] - 16:25, 875:22 Version [1] - 160:13 version [6] - 8:4, 626:23, 651:15, 651:16, 671:15, 788:5 versus [34] - 96:23, 116:18, 131:6, 191:4, 192:24, 193:16, 193:22, 194:13, 194:16, 219:2, 240:23, 241:5, 299:12, 301:7, 306:7, 323:6, 356:7, 364:2, 375:17, 399:11, 528:17, 612:3, 734:20, 851:10, 853:19, 859:1, 859:2, 874:7, 876:15, 878:6, 881:21, 881:22, 886:4 vertical [8] - 303:24, 304:11, 306:10, 391:17, 391:18, 398:12, 668:5, 672:5 vertically [2] - 392:4, 392:9 Vestas [37] - 12:16, 12:18, 165:15, 176:5, 176:20, 177:16, 177:21, 178:23, 179:2, 179:8, 191:10, 245:14, 245:16, 325:11, 325:19, 334:8,</p>	<p>334:9, 334:10, 346:4, 362:4, 362:6, 362:9, 362:11, 362:16, 365:15, 367:22, 368:6, 368:12, 377:9, 377:16, 377:23, 378:4, 378:25, 384:9, 704:16, 733:21, 790:16 Veteran [1] - 115:1 via [2] - 272:25, 399:16 VIA [8] - 316:25, 319:13, 320:10, 320:15, 320:19, 321:3, 322:3 viability [2] - 55:12, 426:19 viable [18] - 17:16, 43:1, 43:15, 54:12, 70:18, 98:21, 127:19, 164:18, 427:14, 433:7, 494:15, 523:9, 554:3, 554:11, 554:14, 760:3, 812:14 vice [6] - 11:1, 65:10, 107:4, 178:2, 259:25, 566:23 vicinity [5] - 95:9, 245:12, 327:13, 615:18, 779:13 viciousness [1] - 93:8 victim [1] - 536:3 Victorian [1] - 708:7 view [169] - 18:20, 19:10, 19:15, 21:20, 21:23, 23:23, 24:2, 24:22,</p>	<p>31:23, 36:14, 45:18, 45:20, 48:14, 54:10, 59:10, 71:5, 74:22, 86:18, 92:19, 99:14, 109:4, 109:5, 138:12, 138:15, 148:9, 161:20, 170:3, 221:18, 223:11, 224:1, 224:12, 224:19, 224:21, 224:22, 226:17, 227:17, 227:20, 227:21, 246:6, 246:12, 248:20, 251:12, 251:13, 251:16, 251:17, 251:18, 257:10, 270:19, 271:1, 271:2, 271:15, 271:16, 317:16, 321:22, 322:1, 322:10, 322:23, 323:17, 323:20, 323:25, 325:2, 345:13, 347:20, 406:15, 418:1, 433:15, 462:11, 462:13, 462:18, 497:10, 502:18, 507:7, 515:2, 515:4, 522:23, 543:2, 546:20, 547:14, 580:15, 604:14, 604:17, 605:20, 605:24, 606:16, 606:23, 607:7, 608:12, 608:16,</p>
--	--	---	---	--	---	--

<p>608:19, 608:22, 610:13, 610:14, 613:17, 613:18, 617:5, 618:17, 620:8, 621:5, 622:15, 623:1, 623:3, 632:23, 635:9, 635:10, 640:23, 648:24, 649:2, 649:4, 653:18, 657:10, 659:3, 664:2, 664:3, 664:5, 664:24, 665:10, 665:11, 665:14, 666:19, 670:9, 676:21, 677:22, 685:7, 687:6, 687:15, 687:22, 688:2, 688:3, 688:4, 688:16, 688:17, 689:2, 689:10, 689:21, 691:20, 693:13, 695:2, 699:4, 699:8, 700:13, 702:6, 702:7, 703:24, 707:7, 724:1, 739:4, 748:10, 748:20, 751:16, 752:18, 752:24, 806:11, 807:3, 808:13, 824:12, 831:12, 842:25, 848:15, 849:12</p> <p>viewed [7] - 19:11, 601:16, 606:6, 606:8, 607:20, 626:19, 638:12</p> <p>viewer [3] - 322:15, 324:25, 673:8</p> <p>viewer's [1] - 92:12</p> <p>viewers [1] - 685:8</p>	<p>viewing [14] - 19:6, 220:16, 226:12, 227:3, 250:2, 287:16, 601:15, 602:9, 605:17, 661:24, 684:8, 685:8, 693:8, 811:2</p> <p>viewings [1] - 99:24</p> <p>Viewpoint [1] - 605:1</p> <p>viewpoint [15] - 222:9, 348:2, 356:3, 356:10, 602:13, 604:12, 604:23, 605:13, 606:5, 606:22, 614:2, 663:25, 664:1</p> <p>viewpoints [30] - 14:22, 221:15, 323:11, 324:23, 569:5, 597:16, 601:10, 601:11, 603:1, 603:2, 604:11, 604:21, 605:6, 605:7, 605:11, 606:21, 618:22, 632:6, 632:13, 635:24, 663:11, 664:1, 684:4, 691:1, 695:6, 695:7, 702:2, 702:4, 724:4</p> <p>Views [1] - 462:18</p> <p>views [87] - 39:8, 40:15, 47:20, 51:19, 87:1, 96:18, 109:2, 109:3, 123:17, 131:10, 132:19, 132:23, 133:4, 137:9, 137:10, 137:18, 147:24, 221:1, 221:16, 223:19, 223:23,</p>	<p>223:24, 227:4, 227:12, 227:13, 227:14, 227:16, 227:18, 227:19, 246:14, 248:23, 248:24, 249:24, 249:25, 250:1, 251:10, 321:19, 329:9, 348:6, 348:12, 460:7, 498:17, 498:19, 509:7, 513:4, 538:14, 546:18, 560:17, 569:1, 575:24, 576:11, 596:25, 597:3, 603:20, 603:21, 603:25, 604:1, 604:3, 604:6, 604:9, 604:10, 607:19, 639:22, 648:14, 648:15, 660:9, 668:10, 684:5, 684:17, 684:21, 685:6, 686:12, 687:11, 690:8, 696:5, 698:3, 700:4, 700:8, 700:9, 735:17, 736:1, 736:3, 764:15</p> <p>viewsheds [4] - 38:22, 38:24, 502:3, 502:4</p> <p>vigor [1] - 460:12</p> <p>Village [1] - 227:18</p> <p>Vince [1] - 295:11</p> <p>violate [1] - 728:9</p> <p>violates [2] - 96:7, 127:22</p> <p>violation [1] - 731:7</p> <p>Viollette [1] - 459:9</p>	<p>Virginia [11] - 23:11, 32:18, 37:8, 89:18, 200:16, 405:20, 490:2, 595:15, 748:4, 846:24, 853:9</p> <p>virtually [5] - 56:12, 349:2, 356:6, 702:18, 703:9</p> <p>virtue [2] - 697:7, 727:24</p> <p>vis [2] - 850:21</p> <p>vis-a-vis [1] - 850:21</p> <p>Viscar [1] - 454:19</p> <p>viscous [1] - 863:5</p> <p>Visibility [1] - 227:6</p> <p>visibility [15] - 97:6, 227:10, 327:16, 580:21, 617:13, 617:23, 649:21, 658:12, 670:15, 683:1, 692:2, 801:17, 801:25, 828:16</p> <p>visible [78] - 14:18, 14:25, 29:20, 30:7, 74:7, 108:7, 124:25, 138:1, 138:2, 138:7, 220:14, 220:21, 222:9, 247:8, 250:17, 252:1, 346:13, 346:15, 356:17, 453:11, 462:19, 467:17, 497:18, 499:2, 499:3, 502:22, 548:10, 606:22, 606:23, 607:1, 607:8, 607:11, 609:11, 621:3, 621:7, 621:17, 622:8, 637:6, 650:2, 650:19,</p>	<p>653:1, 654:4, 654:5, 658:13, 660:1, 665:4, 672:12, 672:17, 672:19, 677:2, 679:17, 684:3, 684:11, 684:13, 684:15, 684:23, 685:9, 687:19, 688:19, 690:14, 690:17, 690:19, 690:22, 691:5, 692:7, 693:15, 693:17, 693:22, 694:21, 699:5, 699:6, 702:2, 703:9, 708:10, 724:4, 828:18</p> <p>vision [6] - 69:5, 130:6, 458:25, 606:15, 606:17, 659:9</p> <p>visionary [1] - 513:17</p> <p>visit [19] - 9:4, 45:13, 99:16, 161:20, 195:14, 197:13, 291:15, 556:1, 560:4, 630:15, 690:5, 700:15, 700:19, 700:22, 758:21, 777:6, 777:8, 833:5, 833:7</p> <p>visited [12] - 53:9, 195:13, 224:13, 444:25, 471:21, 501:5, 501:11, 601:11, 603:15, 607:14, 619:2, 700:14</p> <p>visiting [3] - 471:22, 501:3, 567:9</p> <p>visitor [3] - 108:3, 249:16, 616:6</p>	<p>visitors [10] - 51:22, 95:3, 96:2, 458:3, 522:11, 522:20, 567:14, 596:19, 598:6, 847:14</p> <p>Visitors [1] - 53:12</p> <p>visits [4] - 170:23, 646:3, 832:24, 833:10</p> <p>VISSERING [12] - 681:4, 690:16, 691:21, 692:5, 692:13, 692:17, 692:22, 694:3, 696:24, 697:20, 698:24, 699:12</p> <p>Vissering [11] - 660:13, 662:10, 662:23, 677:21, 680:18, 680:23, 680:25, 681:5, 699:22, 699:24, 707:17</p> <p>Vissering's [2] - 662:3, 705:5</p> <p>vista [5] - 92:9, 248:23, 497:19, 625:10, 636:13</p> <p>vistas [5] - 71:14, 475:15, 601:11, 603:17, 604:10</p> <p>Visual [4] - 609:6, 624:4, 624:12, 658:17</p> <p>visual [136] - 14:16, 26:16, 26:25, 29:17, 30:14, 30:23, 30:25, 31:4, 53:19, 55:17, 74:6, 87:8,</p>	<p>125:3, 147:19, 161:3, 208:17, 208:25, 209:7, 215:22, 215:23, 219:10, 220:7, 220:19, 222:17, 223:15, 224:9, 226:1, 239:23, 244:19, 246:21, 250:6, 250:25, 316:25, 317:5, 317:7, 317:15, 318:2, 319:18, 323:7, 325:25, 326:7, 326:20, 327:17, 345:13, 347:11, 347:16, 348:5, 348:9, 348:13, 350:20, 355:8, 355:19, 355:21, 355:22, 356:2, 356:6, 356:13, 428:12, 429:6, 429:20, 482:1, 498:15, 550:6, 575:22, 576:13, 576:19, 577:24, 597:20, 601:2, 601:7, 601:14, 602:24, 603:4, 603:9, 606:11, 609:19, 609:21, 610:3, 610:15, 626:1, 626:5, 626:7, 626:8, 626:12, 626:19, 626:23, 627:1, 627:17, 627:22, 630:6, 630:16, 631:6, 635:3, 635:4, 639:17, 640:15, 644:11, 644:14, 644:18, 645:6, 645:7, 645:19, 647:16, 648:7, 655:12, 656:6, 658:24, 661:7, 663:4, 663:20, 669:7, 672:21,</p>
--	--	---	--	--	--	---

677:4, 679:13, 680:18, 681:7, 682:3, 682:6, 683:24, 687:5, 693:7, 696:15, 703:4, 705:17, 708:1, 724:2, 724:23, 735:14, 736:13, 736:17, 747:19, 766:8, 770:23, 811:23, 812:1 visualizations [1] - 221:9 visualize [2] - 347:6, 412:2 visualized [1] - 86:21 visually [7] - 26:14, 137:21, 225:4, 246:5, 653:6, 657:15, 732:24 vitae [1] - 316:16 vital [2] - 105:20, 531:4 VMS [3] - 640:12, 651:11, 656:25 vocabulary [1] - 656:13 voice [5] - 110:2, 459:11, 525:9, 816:6, 816:7 voiced [1] - 161:12 voices [1] - 459:10 void [1] - 853:24 voided [4] - 380:3, 401:13, 856:14, 888:9 volatile [2] - 12:7, 258:1 Volkswagen [1] - 466:12 voltage [1] - 166:25 volume [3] - 229:19, 441:3, 589:8 volumes [2] - 139:14, 244:24	voluntarily [1] - 865:21 voluntary [4] - 275:4, 275:8, 275:9, 865:14 volunteer [8] - 37:10, 186:15, 455:10, 487:12, 557:9, 558:9, 613:11, 777:15 volunteers [6] - 599:8, 612:18, 612:21, 613:3, 613:12 vote [2] - 189:20, 267:4 voted [5] - 150:22, 267:4, 530:3, 530:7, 882:8 vulnerability [1] - 463:8 vulnerable [3] - 456:18, 459:19, 717:14	475:22 Wal-Mart [1] - 475:22 Waldo [1] - 33:15 Waldo-Hancock [1] - 33:15 walk [19] - 128:18, 130:15, 210:1, 218:10, 257:21, 291:20, 293:3, 311:19, 312:4, 446:11, 446:13, 469:4, 515:6, 515:7, 748:23, 770:10, 770:13 walked [26] - 288:5, 291:16, 291:19, 291:21, 291:23, 291:24, 311:13, 311:20, 312:9, 312:11, 312:13, 312:15, 312:16, 394:9, 446:4, 458:16, 474:25, 501:23, 614:8, 636:12, 637:11, 710:13, 715:14, 715:15, 721:11 walking [8] - 286:19, 446:5, 582:17, 710:16, 713:15, 715:10, 769:4, 770:11 wall [3] - 442:3, 502:8, 502:23 Walpole [1] - 503:1 Walt [1] - 478:24 Walter [5] - 470:23, 473:25, 474:1, 474:5, 474:17	Walters [1] - 332:17 want-to-be [1] - 82:23 wants [18] - 5:1, 110:22, 243:21, 278:19, 283:5, 288:11, 384:2, 409:5, 466:17, 466:18, 466:19, 539:21, 570:22, 617:20, 815:9, 848:12, 889:7 War [1] - 63:2 war [5] - 116:15, 468:7, 468:9, 468:10 warm [5] - 39:11, 114:5, 126:11, 261:16, 488:19 warmer [3] - 146:20, 826:6 Warming [2] - 416:17, 783:4 warming [125] - 18:2, 18:7, 18:22, 39:10, 39:13, 39:15, 40:8, 42:17, 53:16, 54:17, 54:20, 54:23, 55:5, 55:9, 55:10, 55:22, 57:23, 58:16, 61:16, 70:21, 70:23, 74:12, 74:20, 75:4, 75:7, 76:6, 80:19, 81:9, 81:13, 87:17, 90:20, 90:23, 91:12, 101:2, 102:1, 102:14, 103:9, 104:1, 104:22, 106:4, 113:23, 114:2, 114:18, 117:18, 126:7, 126:12, 136:11, 143:25, 144:1, 146:8, 146:15, 218:17, 255:22, 256:2,	256:24, 261:3, 265:20, 276:9, 379:16, 406:6, 406:12, 407:11, 414:19, 414:22, 415:10, 415:19, 416:7, 427:9, 445:15, 457:4, 465:10, 466:2, 471:4, 480:12, 483:21, 500:11, 506:24, 507:22, 510:13, 511:12, 511:16, 514:10, 519:18, 519:20, 520:5, 531:20, 540:25, 541:3, 544:23, 545:2, 553:15, 565:3, 566:2, 568:19, 717:9, 722:3, 722:4, 722:5, 722:11, 782:21, 784:2, 784:8, 784:11, 794:2, 797:10, 800:6, 800:25, 801:7, 801:14, 801:20, 802:14, 803:15, 803:23, 804:6, 804:24, 805:16, 808:9, 818:12, 824:25, 834:25, 835:2, 835:6, 835:12, 835:17, 835:25 warms [1] - 66:23 warning [3] - 30:24, 61:22, 68:19 warrant [1] - 596:11 warranty [3] - 178:25, 179:7, 378:6 WARREN [2] - 889:9,	889:14 Warren [2] - 889:14, 891:3 warrior [1] - 60:17 wars [2] - 114:24, 483:20 wash [1] - 467:8 washer [1] - 467:7 Washington [19] - 125:18, 200:17, 406:11, 416:14, 496:17, 497:2, 501:5, 609:5, 664:3, 664:8, 664:10, 668:9, 674:14, 776:6, 776:8, 795:24, 831:25, 832:10, 844:1 waste [12] - 89:11, 185:2, 221:7, 449:8, 496:13, 532:23, 724:20, 766:7, 814:8, 814:12, 814:13, 817:21 wasting [3] - 533:7, 766:16, 814:6 Watch [9] - 792:16, 797:17, 798:1, 798:6, 798:17, 798:23, 799:5, 799:18, 801:22 watch [5] - 23:25, 175:18, 385:19 watched [3] - 132:11, 836:19, 836:20 watching [1] - 175:19 water [62] - 22:21, 28:7, 43:10, 51:1, 67:23, 68:5, 68:22, 100:15, 101:2, 103:3, 188:14,	195:21, 198:24, 199:1, 199:7, 199:13, 199:17, 199:18, 203:5, 208:2, 210:9, 218:17, 221:7, 293:4, 314:6, 393:20, 393:25, 394:1, 396:5, 396:6, 417:11, 476:1, 480:3, 485:19, 492:23, 495:13, 496:13, 512:1, 524:17, 565:15, 565:20, 565:21, 565:22, 567:24, 709:8, 713:4, 716:5, 717:18, 718:3, 720:4, 721:3, 721:8, 721:15, 753:21, 754:16, 769:21, 771:19, 803:1, 812:25, 825:7 waterfront [1] - 109:1 watershed [4] - 17:6, 718:23, 718:25, 774:8 watersheds [1] - 718:7 waterway [1] - 769:13 waves [3] - 38:1, 55:10, 467:12 wax [1] - 105:7 Wayne [4] - 135:1, 136:2, 138:5, 528:24 ways [49] - 28:3, 66:5, 66:12, 94:18, 97:8, 129:9, 130:22, 131:1, 131:10, 134:9, 141:2, 221:1, 223:13, 223:15, 251:8, 310:12, 400:1, 415:20, 429:4,
--	---	--	---	---	--	---

<p>434:8, 434:9, 437:21, 437:22, 451:14, 451:17, 458:6, 474:12, 503:10, 515:5, 540:1, 571:12, 571:16, 571:20, 584:9, 598:21, 599:3, 613:15, 651:20, 662:7, 679:10, 683:8, 683:20, 717:16, 717:17, 835:4, 835:15, 836:10, 836:21, 864:2</p> <p>wealth [1] - 447:18</p> <p>wear [1] - 465:3</p> <p>wearing [1] - 90:4</p> <p>Weather [1] - 61:3</p> <p>weather [17] - 57:15, 59:2, 66:14, 237:17, 237:19, 237:24, 244:8, 255:11, 524:5, 562:13, 617:8, 658:10, 687:24, 725:18, 725:20, 853:4, 854:2</p> <p>web [1] - 272:25</p> <p>web-based [1] - 272:25</p> <p>website [19] - 254:19, 271:19, 319:6, 321:9, 321:17, 324:5, 332:7, 521:3, 581:15, 582:12, 705:4, 705:22, 778:6, 792:23, 799:5, 799:7, 799:11, 799:18, 799:20</p> <p>Wednesday [1] - 567:19</p> <p>wee [2] - 91:16, 385:8</p>	<p>weeds [1] - 57:19</p> <p>Week [1] - 567:16</p> <p>week [23] - 8:25, 65:14, 70:18, 157:10, 161:14, 233:10, 253:17, 348:8, 356:5, 356:19, 508:8, 520:12, 534:9, 538:13, 546:13, 563:13, 567:13, 567:16, 568:14, 584:19, 735:23, 787:17, 840:16</p> <p>weekend [3] - 60:17, 547:10, 556:8</p> <p>weekly [3] - 76:5, 76:10, 839:20</p> <p>weeks [12] - 157:10, 166:16, 351:25, 416:16, 445:5, 501:3, 563:12, 567:15, 594:5, 764:2, 777:10, 892:2</p> <p>weigh [4] - 100:22, 103:10, 211:23, 309:9</p> <p>weighed [1] - 523:1</p> <p>weighing [6] - 101:25, 512:2, 676:2, 772:8, 823:20, 825:24</p> <p>weight [1] - 308:24</p> <p>weighted [1] - 423:14</p> <p>weights [1] - 308:20</p> <p>WEINGART EN [2] - 149:14, 149:17</p> <p>Weingarten [2] - 149:18,</p>	<p>282:13</p> <p>welcome [6] - 19:12, 35:15, 53:3, 75:21, 154:8, 254:25</p> <p>welcomed [1] - 75:19</p> <p>welcoming [1] - 792:7</p> <p>wells [4] - 22:18, 23:3, 140:3, 755:21</p> <p>west [10] - 31:24, 112:5, 183:20, 222:2, 375:19, 484:6, 501:9, 501:17, 783:1, 851:11</p> <p>West [12] - 23:11, 36:21, 89:18, 124:23, 137:23, 171:25, 172:1, 183:20, 200:16, 490:2, 552:14, 595:15</p> <p>Westbrook [1] - 873:13</p> <p>Westcheste r [1] - 92:2</p> <p>Western [23] - 169:5, 373:3, 373:4, 373:9, 421:23, 457:22, 488:16, 584:18, 815:17, 842:11, 842:14, 846:20, 847:7, 848:24, 883:13, 889:9, 889:15, 889:17, 889:20, 889:23, 890:3, 890:10, 890:14</p> <p>western [43] - 11:22, 12:1, 42:8, 43:17, 76:14, 99:7, 99:19, 107:3, 107:8, 108:1, 109:7, 148:13, 151:20, 254:4, 255:11, 321:20,</p>	<p>357:17, 445:11, 447:12, 457:25, 464:2, 475:14, 496:7, 503:25, 525:4, 531:3, 545:18, 552:25, 553:3, 553:21, 596:19, 596:25, 598:7, 600:13, 723:17, 741:1, 747:8, 748:4, 749:19, 752:17, 779:14, 826:23, 851:10</p> <p>wet [2] - 28:4, 103:4</p> <p>Wetland [1] - 235:18</p> <p>wetland [45] - 7:12, 158:19, 173:4, 197:7, 219:10, 234:4, 236:7, 285:12, 286:22, 288:8, 288:13, 289:6, 291:5, 291:12, 298:11, 298:12, 298:14, 298:15, 298:24, 302:1, 393:19, 397:11, 397:12, 443:17, 709:19, 709:21, 712:18, 712:25, 715:24, 719:12, 720:12, 729:14, 730:3, 730:10, 731:2, 750:21, 753:24, 753:25, 754:19, 754:20, 754:25, 768:16, 768:25</p> <p>wetland-dependent [1] - 729:14</p>	<p>wetlands [56] - 159:20, 173:9, 203:18, 236:19, 285:2, 285:21, 286:1, 286:11, 286:21, 287:1, 287:6, 287:22, 288:2, 288:6, 290:4, 290:10, 293:7, 293:8, 293:22, 294:9, 294:17, 294:19, 299:1, 300:23, 313:12, 313:18, 313:20, 314:1, 393:10, 393:11, 393:19, 394:4, 394:7, 394:12, 397:14, 709:10, 710:23, 717:24, 717:25, 718:24, 720:9, 720:11, 721:23, 722:23, 729:11, 729:13, 730:24, 753:21, 754:9, 755:2, 756:3, 761:20, 762:4, 762:15, 774:12</p> <p>Wetlands [2] - 287:5, 313:17</p> <p>Weymouth [4] - 69:23, 71:2, 71:4, 125:15</p> <p>WEYMOUT H [1] - 71:3</p> <p>whale [1] - 565:23</p> <p>whales [1] - 565:16</p> <p>whatsoever [3] - 120:8, 281:20, 646:12</p> <p>wheat [1] - 375:23</p> <p>whereas [3] - 241:2, 285:6,</p>	<p>640:12</p> <p>whichever [1] - 425:22</p> <p>whip [1] - 655:7</p> <p>whirling [1] - 112:11</p> <p>whirly [1] - 124:19</p> <p>White [7] - 52:24, 559:12, 566:10, 566:11, 663:21, 752:12, 753:2</p> <p>white [24] - 18:20, 50:4, 166:13, 222:25, 224:25, 231:3, 231:14, 328:1, 328:4, 328:6, 328:9, 651:16, 651:17, 651:18, 658:21, 689:16, 692:11, 692:14, 692:17, 692:19, 693:2, 738:8, 760:14, 796:11</p> <p>White's [1] - 651:23</p> <p>white/red [1] - 525:2</p> <p>whiteout [1] - 546:14</p> <p>Whittemore [4] - 54:2, 57:3, 57:7, 114:9</p> <p>WHITTEMORE [1] - 57:6</p> <p>whittling [1] - 492:21</p> <p>Whoever's [1] - 253:1</p> <p>whole [46] - 5:12, 47:17, 60:9, 78:17, 108:21, 140:11, 172:18, 174:12, 232:11, 233:15, 272:3, 317:1, 356:9, 356:14, 432:12,</p>	<p>441:24, 468:22, 473:15, 511:3, 516:19, 531:11, 546:10, 561:17, 585:13, 588:4, 588:8, 604:18, 621:1, 627:18, 635:19, 636:12, 644:24, 648:20, 653:19, 659:20, 674:9, 739:3, 749:5, 753:8, 780:8, 860:13, 860:24, 881:20, 885:17, 885:25, 893:2</p> <p>wholesale [6] - 180:20, 259:25, 260:9, 262:23, 358:25, 839:22</p> <p>wholesaler [2] - 180:19, 823:10</p> <p>whoops [1] - 738:12</p> <p>whoosh [1] - 53:11</p> <p>whore [1] - 28:10</p> <p>wide [16] - 56:14, 185:25, 315:1, 405:6, 497:18, 556:14, 606:11, 606:18, 608:10, 608:12, 691:6, 691:7, 691:13, 724:13, 752:21, 835:24</p> <p>wide-angled [1] - 606:18</p> <p>widely [1] - 648:21</p> <p>wider [3] - 30:9, 606:20, 743:21</p> <p>widespread [1] - 825:6</p>
---	---	---	--	--	---	---

<p>width ^[10] - 198:21, 199:16, 207:22, 225:4, 245:8, 245:9, 309:19, 310:2, 608:21, 794:25</p> <p>wife ^[21] - 62:12, 69:25, 110:7, 413:7, 446:19, 447:7, 466:16, 474:7, 488:17, 494:4, 496:4, 501:3, 516:21, 516:22, 527:20, 531:10, 538:2, 538:15, 547:9, 555:14, 708:8</p> <p>wiggle ^[1] - 651:7</p> <p>wiggles ^[1] - 614:22</p> <p>WIGHT ^[66] - 162:19, 174:11, 174:14, 179:23, 184:22, 185:6, 185:8, 185:19, 185:23, 186:8, 207:20, 208:21, 209:14, 217:18, 217:22, 219:4, 237:4, 238:7, 238:13, 238:19, 275:22, 275:24, 276:5, 276:7, 276:19, 277:2, 278:22, 279:19, 283:9, 411:18, 414:14, 438:25, 439:21, 440:6, 448:20, 490:13, 491:4, 505:14, 520:20, 521:7, 521:9, 533:14, 543:23, 566:11, 590:2, 610:18, 613:14, 614:4, 614:8, 615:10,</p>	<p>667:6, 668:3, 669:8, 690:12, 691:15, 692:3, 692:8, 692:16, 692:21, 693:3, 698:13, 698:17, 699:10, 751:14, 753:10, 893:18</p> <p>Wight ^[7] - 155:5, 580:3, 592:22, 610:20, 700:24, 704:10</p> <p>WILBY ^[5] - 583:5, 583:14, 584:16, 585:6, 591:2</p> <p>Wilby ^[2] - 583:5, 839:11</p> <p>Wild ^[1] - 416:17</p> <p>wild ^[15] - 36:24, 98:2, 105:12, 137:7, 414:24, 414:25, 455:11, 459:6, 494:16, 552:10, 552:16, 599:20, 747:11, 747:23, 799:12</p> <p>Wildcat ^[1] - 52:24</p> <p>wilderness ^[26] - 18:18, 19:10, 19:14, 31:1, 51:19, 51:23, 52:1, 52:10, 52:23, 53:5, 53:7, 99:13, 99:17, 130:11, 133:23, 134:1, 136:12, 139:7, 147:18, 149:1, 483:22, 529:1, 530:16, 552:12, 554:7, 663:7</p> <p>wildest ^[5] - 501:25, 596:17, 615:8, 702:11,</p>	<p>743:17</p> <p>wildfires ^[2] - 103:2, 103:6</p> <p>Wildlife ^[10] - 160:4, 229:3, 387:10, 387:12, 387:14, 387:16, 399:22, 741:9, 741:14, 774:16</p> <p>wildlife ^[33] - 24:8, 47:5, 53:4, 94:13, 100:3, 219:10, 228:14, 236:19, 236:20, 387:11, 387:13, 400:15, 417:7, 456:9, 480:5, 483:22, 487:16, 526:1, 542:10, 544:18, 545:9, 560:17, 731:15, 731:20, 785:7, 789:11, 789:13, 802:1, 804:3, 825:22, 826:2, 828:22, 847:21</p> <p>Wilkinson ^[2] - 147:7, 147:9</p> <p>WILKINSON ^[1] - 147:9</p> <p>Willard ^[1] - 141:8</p> <p>willing ^[22] - 31:15, 59:9, 62:21, 72:8, 88:8, 118:6, 118:7, 262:21, 273:3, 362:19, 365:9, 473:12, 503:7, 508:13, 571:8, 574:1, 670:24, 821:2, 835:12, 865:13, 865:24, 892:20</p> <p>willingness ^[4] - 813:4, 813:8, 835:5, 890:15</p> <p>Wilson ^[2] -</p>	<p>143:16, 143:18</p> <p>WILSON ^[1] - 143:17</p> <p>Wilton ^[3] - 119:15, 142:23, 460:17</p> <p>win ^[1] - 427:15</p> <p>win/win ^[1] - 476:24</p> <p>wind ^[746] - 2:13, 2:14, 2:19, 6:12, 6:16, 10:12, 10:15, 10:17, 10:22, 11:10, 11:21, 11:22, 11:24, 12:21, 13:5, 13:8, 13:11, 13:14, 17:11, 17:14, 17:16, 17:22, 18:10, 18:20, 19:8, 19:11, 19:18, 20:19, 20:24, 21:1, 23:2, 23:7, 23:12, 25:10, 25:13, 25:16, 26:13, 26:18, 27:6, 27:16, 28:3, 28:19, 28:21, 28:22, 28:23, 29:4, 29:8, 29:18, 31:19, 32:13, 33:17, 33:23, 34:4, 36:6, 39:13, 40:9, 41:1, 42:21, 43:2, 43:4, 43:7, 43:12, 43:14, 43:16, 43:18, 43:20, 45:2, 47:15, 47:18, 47:21, 47:22, 50:11, 50:18, 50:24, 53:9, 55:19, 56:1, 56:4, 56:5, 56:18, 56:24, 57:9, 58:25, 59:1, 59:4, 59:6, 59:19, 63:17, 63:22, 63:25, 64:1, 65:21, 66:24, 67:3,</p>	<p>68:6, 68:24, 69:6, 69:10, 69:11, 69:13, 69:18, 69:19, 70:23, 72:1, 72:13, 74:7, 74:18, 74:22, 74:25, 75:3, 76:13, 78:18, 79:23, 80:22, 82:3, 83:8, 85:11, 85:16, 86:2, 86:4, 86:9, 86:10, 86:21, 87:6, 87:12, 88:12, 89:15, 89:19, 91:10, 91:21, 92:7, 92:8, 92:10, 92:14, 93:3, 93:4, 93:11, 93:12, 94:25, 95:1, 95:9, 98:16, 98:18, 98:20, 98:21, 99:5, 101:3, 104:3, 104:5, 104:22, 104:24, 104:25, 108:6, 109:14, 112:17, 114:21, 115:5, 115:24, 117:5, 117:6, 117:10, 117:12, 118:7, 119:7, 123:4, 125:9, 127:6, 135:21, 135:24, 135:25, 136:7, 136:17, 136:20, 136:25, 137:1, 138:16, 140:1, 140:8, 145:24, 147:15, 148:18, 150:3, 150:10, 150:12, 151:5, 152:2, 152:14, 155:16, 158:7, 158:13, 158:22, 163:25, 164:1, 164:18, 164:21, 164:23, 165:2, 165:5, 165:18, 165:23, 166:4, 166:7, 166:12,</p>	<p>166:14, 166:17, 167:3, 167:5, 167:11, 167:19, 167:21, 168:6, 169:11, 170:15, 170:22, 171:9, 171:17, 173:18, 174:3, 174:19, 175:1, 175:4, 175:13, 175:14, 176:9, 177:13, 178:11, 178:16, 178:17, 178:20, 179:7, 179:12, 181:18, 182:9, 182:10, 182:11, 183:7, 183:13, 184:25, 185:13, 187:21, 189:22, 189:24, 190:19, 191:3, 191:6, 191:7, 191:13, 191:15, 191:17, 191:20, 191:22, 192:2, 192:4, 192:5, 192:9, 192:10, 192:16, 192:17, 192:18, 192:20, 193:9, 193:20, 194:6, 194:7, 194:10, 194:16, 194:17, 200:6, 200:8, 200:9, 200:21, 200:22, 200:23, 201:2, 201:21, 203:23, 216:25, 220:21, 223:7, 225:23, 227:20, 227:23, 238:6, 240:11, 245:5, 247:17, 249:8, 252:12, 253:23, 254:10,</p>	<p>254:12, 254:17, 254:24, 256:19, 258:3, 265:19, 274:20, 274:25, 277:9, 277:11, 277:17, 279:12, 280:1, 280:3, 281:22, 290:18, 290:25, 295:7, 296:24, 297:11, 304:2, 316:9, 316:14, 318:6, 324:21, 333:17, 333:18, 334:5, 334:16, 337:12, 338:16, 341:23, 349:14, 351:1, 351:2, 351:11, 351:15, 352:20, 353:2, 353:10, 353:22, 354:14, 360:25, 362:4, 362:5, 362:6, 364:8, 364:13, 364:16, 365:20, 366:23, 367:20, 373:20, 375:11, 376:2, 376:15, 378:8, 382:18, 382:19, 382:25, 383:4, 389:3, 389:24, 395:9, 398:17, 399:7, 400:2, 400:22, 401:23, 402:7, 404:18, 405:23, 408:3, 408:13, 408:20, 409:13, 411:13, 413:5, 413:6, 413:13, 418:15, 419:25, 420:15, 424:1, 424:4, 424:9, 424:11, 424:12,</p>
---	---	---	--	---	---	--

424:13, 424:15, 426:25, 427:22, 428:23, 429:1, 430:2, 433:4, 433:19, 439:11, 440:16, 442:16, 442:20, 444:24, 445:1, 445:6, 445:16, 445:18, 445:20, 445:22, 445:23, 446:3, 447:5, 452:16, 453:14, 455:19, 456:3, 456:10, 456:15, 456:22, 457:1, 457:21, 457:24, 464:21, 465:19, 465:20, 466:10, 466:19, 471:17, 472:21, 473:16, 473:21, 473:22, 474:16, 475:7, 476:7, 476:14, 476:16, 476:21, 477:9, 477:12, 479:17, 480:6, 480:16, 480:18, 481:4, 481:25, 482:11, 482:18, 483:18, 483:19, 486:12, 486:15, 487:3, 489:1, 489:7, 490:9, 490:15, 490:16, 491:9, 492:8, 492:11, 493:6, 493:11, 494:11, 500:19, 501:13, 510:14, 515:13, 515:23, 516:3,	516:5, 517:11, 518:14, 521:22, 522:3, 522:6, 522:18, 522:23, 523:3, 524:13, 524:19, 524:22, 524:25, 525:1, 525:2, 525:5, 525:10, 527:2, 527:5, 527:9, 527:10, 527:23, 528:2, 528:11, 530:6, 530:8, 530:12, 530:13, 531:1, 533:1, 534:11, 534:19, 535:20, 543:4, 543:7, 543:13, 544:5, 544:25, 546:1, 546:2, 547:23, 548:4, 548:10, 548:13, 549:8, 554:23, 555:16, 555:25, 556:6, 557:22, 558:24, 559:25, 560:4, 561:21, 562:14, 568:8, 568:9, 568:10, 568:12, 569:4, 571:3, 578:8, 578:10, 578:11, 578:12, 578:14, 578:20, 579:6, 579:18, 580:6, 582:14, 589:11, 590:7, 597:3, 601:8, 604:20, 615:13, 615:18, 616:7, 617:4, 641:18, 641:22, 643:4, 648:3, 654:12, 678:25, 679:11, 681:9, 681:15, 681:17, 681:19, 681:22, 682:1, 682:21, 682:22, 685:6, 687:1, 688:14,	694:19, 699:6, 701:10, 705:18, 705:24, 706:8, 706:9, 717:2, 717:4, 717:5, 717:8, 722:3, 722:21, 731:17, 731:19, 733:25, 735:2, 737:4, 737:10, 737:12, 737:21, 739:21, 739:22, 739:24, 740:1, 740:3, 744:4, 744:13, 745:8, 745:18, 745:21, 746:7, 749:25, 767:10, 779:12, 785:1, 785:4, 788:12, 789:11, 794:15, 794:21, 795:2, 795:25, 796:3, 796:5, 796:7, 801:6, 805:4, 805:8, 805:15, 805:17, 806:11, 807:3, 808:10, 808:24, 809:5, 812:7, 812:17, 813:4, 813:8, 813:13, 813:15, 814:2, 814:4, 814:7, 814:8, 816:18, 817:4, 817:21, 818:17, 818:18, 818:25, 819:4, 819:8, 819:15, 819:19, 819:21, 819:25, 820:5, 820:8, 820:12, 820:23, 821:3, 821:9, 821:11, 821:14, 821:18, 822:1, 822:7, 822:10, 822:12, 822:13, 822:16, 822:23, 822:24,	823:23, 823:24, 824:9, 824:10, 824:12, 824:15, 824:18, 825:22, 826:1, 830:11, 830:15, 831:10, 831:12, 831:13, 832:9, 832:11, 832:23, 833:16, 838:11, 841:19, 841:25, 843:1, 843:23, 844:4, 844:14, 845:16, 846:13, 849:4, 849:18, 850:3, 850:7, 850:8, 850:11, 850:12, 850:23, 851:2, 853:10, 853:11, 853:14, 853:15, 853:16, 853:17, 853:18, 854:8, 854:16, 855:16, 857:12, 857:23, 859:5, 860:4, 860:14, 860:15, 863:8, 869:22, 870:2, 871:14, 877:14, 880:10, 881:5, 881:6, 881:11, 881:22, 884:19, 885:5, 887:6, 890:12, 891:7, 891:10 Wind [79] - 10:10, 17:4, 17:10, 28:25, 43:1, 47:12, 73:20, 73:24, 74:4, 75:8, 87:12, 87:17, 92:6, 117:12, 127:20, 166:2, 194:14, 253:11, 254:3, 261:5, 271:19,	281:4, 317:17, 317:25, 330:4, 330:12, 330:18, 330:20, 330:24, 331:10, 332:11, 332:16, 332:21, 336:17, 338:16, 339:12, 341:5, 342:4, 342:23, 374:1, 375:1, 383:9, 383:12, 401:14, 401:16, 402:23, 403:11, 403:25, 404:7, 409:4, 423:23, 430:8, 438:9, 457:2, 469:16, 476:1, 491:8, 530:18, 598:1, 598:8, 681:13, 737:2, 748:20, 787:20, 810:12, 816:14, 816:19, 820:25, 821:24, 823:19, 824:23, 825:18, 827:13, 827:21, 828:25, 838:22, 854:9 wind- generated [2] - 148:18, 822:10 winded [1] - 1:9 Windham [2] - 84:3, 88:7 winding [1] - 555:23 windmill [23] - 26:12, 27:24, 30:14, 33:9, 68:5, 97:25, 114:13, 125:24, 126:17, 132:7, 142:15, 143:2, 256:8, 267:8,	325:18, 367:4, 452:13, 453:25, 486:10, 563:24, 724:7, 779:15, 805:22 Windmill [1] - 484:5 windmills [63] - 25:19, 28:18, 29:11, 30:9, 31:8, 33:10, 33:11, 33:13, 33:18, 43:9, 46:6, 46:25, 47:3, 53:13, 56:4, 61:15, 63:13, 72:11, 90:4, 90:6, 90:9, 90:11, 90:15, 90:25, 91:9, 91:16, 95:15, 97:24, 98:3, 105:18, 105:24, 106:9, 115:19, 117:18, 126:3, 132:25, 133:4, 133:7, 141:19, 143:4, 257:9, 257:10, 267:7, 267:9, 267:16, 322:20, 323:2, 325:20, 447:15, 453:24, 454:20, 455:3, 471:21, 497:22, 509:14, 516:23, 517:1, 526:18, 536:24, 563:9, 568:13, 726:17, 737:7 Windmills [1] - 105:20 window [7] - 71:6, 111:6, 502:17, 602:16, 661:19, 708:7, 708:15 windows [4] - 91:2, 555:16, 656:20 winds [19] - 17:18, 105:25,	166:24, 167:6, 171:11, 171:15, 171:20, 171:22, 171:25, 172:15, 191:18, 191:24, 192:12, 235:11, 238:2, 449:20, 620:22, 744:9 Winds [1] - 29:6 windy [3] - 166:18, 167:8, 207:12 Winer [11] - 426:18, 431:3, 431:4, 441:8, 570:12, 571:1, 583:10, 583:13, 583:15, 586:23, 586:25 WINER [3] - 431:4, 439:1, 441:11 WING [1] - 49:2 Wing [3] - 46:17, 49:2, 62:23 wings [2] - 27:20, 243:16 Winslow [2] - 555:6, 591:6 Winter [1] - 725:19 winter [42] - 28:16, 29:1, 50:20, 102:4, 103:1, 178:18, 179:13, 200:14, 201:7, 259:2, 261:16, 265:24, 310:17, 337:18, 346:18, 375:23, 384:11, 394:17, 394:18, 394:24, 395:6, 395:7, 395:16, 395:23, 452:14,
---	---	---	--	---	---	---

<p>453:23, 455:13, 466:4, 557:20, 562:18, 563:14, 651:24, 666:6, 667:9, 667:14, 700:4, 700:9, 719:22, 719:24, 719:25, 725:15, 772:24</p> <p>winters [3] - 60:16, 102:19, 476:11</p> <p>wintertime [7] - 310:15, 310:22, 311:3, 725:16, 725:22, 725:24, 726:1</p> <p>wipe [1] - 604:18</p> <p>wire [1] - 40:17</p> <p>wires [2] - 145:11, 537:11</p> <p>Wiscasset [1] - 81:24</p> <p>wisdom [6] - 45:14, 69:13, 112:2, 529:5, 535:10, 629:12</p> <p>wise [4] - 76:22, 268:13, 445:3, 493:16</p> <p>wised [1] - 117:1</p> <p>wisely [2] - 98:4, 381:24</p> <p>wish [25] - 3:3, 4:13, 5:3, 5:4, 52:3, 78:16, 85:17, 104:24, 132:12, 138:24, 147:4, 154:7, 157:12, 250:24, 262:3, 418:20, 443:21, 499:25, 523:13, 593:17, 707:5, 714:10, 756:20, 815:4</p> <p>wished [2] -</p>	<p>335:9, 829:7</p> <p>wishes [3] - 3:14, 515:9, 814:20</p> <p>withdrawal [1] - 709:8</p> <p>withdrawn [3] - 127:3, 352:6, 806:15</p> <p>withe [1] - 387:13</p> <p>withstand [4] - 29:4, 177:9, 193:20, 524:20</p> <p>WITNESS [5] - 340:23, 640:1, 646:6, 646:9, 777:2</p> <p>witness [14] - 156:10, 161:24, 284:9, 364:19, 365:2, 365:6, 371:24, 569:12, 644:3, 776:19, 776:20, 783:10, 784:18, 814:19</p> <p>witnessed [3] - 52:19, 68:15, 718:10</p> <p>witnesses [23] - 3:7, 98:14, 156:7, 156:17, 163:9, 163:10, 283:5, 283:6, 386:22, 401:9, 419:9, 440:20, 441:14, 593:10, 593:19, 594:8, 680:17, 751:4, 814:24, 846:20, 846:25, 849:13, 893:22</p> <p>witnesses' [1] - 371:22</p> <p>woefully [1] - 543:9</p> <p>woman [2] - 80:12, 133:20</p> <p>women [1] - 548:17</p> <p>won [2] - 468:7, 470:13</p>	<p>wonder [6] - 191:19, 475:20, 503:7, 526:20, 668:6, 808:17</p> <p>wondered [4] - 123:6, 453:13, 638:25, 782:1</p> <p>wonderful [9] - 78:1, 458:15, 459:4, 487:17, 498:25, 585:14, 707:4, 707:6, 730:7</p> <p>wondering [16] - 182:6, 184:6, 184:8, 185:24, 211:20, 239:24, 267:20, 271:4, 292:11, 292:13, 411:3, 439:23, 615:20, 618:16, 628:12, 756:25</p> <p>wonderland [1] - 37:21</p> <p>wonders [2] - 238:24, 850:12</p> <p>wondrous [1] - 37:17</p> <p>Wood [1] - 218:8</p> <p>wood [21] - 26:9, 62:13, 185:11, 185:12, 218:3, 218:8, 255:10, 289:16, 340:6, 340:9, 340:20, 341:2, 450:13, 475:3, 479:3, 479:15, 492:18, 504:5, 505:2, 505:5, 505:7</p> <p>wood-fired [2] - 450:13, 505:7</p> <p>woodcock [1] - 733:7</p> <p>wooded [1] - 516:2</p> <p>woodland [1] - 477:7</p>	<p>woodlands [1] - 52:20</p> <p>Woodlands [1] - 505:4</p> <p>Woodlot [17] - 206:21, 210:19, 214:20, 214:21, 228:13, 228:16, 285:6, 290:7, 299:19, 304:22, 305:12, 311:15, 314:2, 327:13, 391:15, 398:5, 398:15</p> <p>Woodlot's [1] - 211:1</p> <p>woodlots [1] - 477:7</p> <p>Woodlots [1] - 210:23</p> <p>Woods [1] - 598:17</p> <p>woods [18] - 18:23, 26:9, 102:3, 137:17, 138:20, 246:7, 246:11, 458:4, 503:21, 504:10, 504:22, 516:1, 532:23, 559:3, 711:19, 715:10, 755:22</p> <p>woods' [1] - 556:13</p> <p>Woodsum [1] - 283:21</p> <p>woody [2] - 216:21, 218:5</p> <p>wooly [1] - 102:5</p> <p>word [18] - 131:7, 213:22, 267:11, 345:4, 367:9, 385:5, 511:11, 514:2, 514:4, 618:10, 620:22, 623:21, 628:3, 674:11, 745:8, 805:3, 867:17</p> <p>words [24] - 68:10, 90:1, 96:1, 149:7, 188:4, 221:23,</p>	<p>270:4, 291:4, 306:6, 320:7, 332:4, 397:2, 451:23, 495:24, 530:16, 553:19, 572:16, 618:15, 639:18, 665:8, 665:9, 711:15, 783:18, 787:23</p> <p>Wordsworth [2] - 459:10, 463:6</p> <p>worker [1] - 139:25</p> <p>workers [1] - 492:18</p> <p>workforce [1] - 544:2</p> <p>Works [1] - 708:10</p> <p>works [20] - 52:2, 52:6, 52:12, 52:14, 63:20, 93:10, 181:21, 190:23, 196:23, 281:15, 327:21, 409:5, 589:25, 694:20, 817:1, 837:6, 840:8, 859:16, 866:9, 866:11</p> <p>Works' [1] - 708:15</p> <p>workshop [1] - 400:10</p> <p>World [1] - 78:21</p> <p>world [60] - 12:19, 30:17, 39:18, 54:17, 60:20, 61:17, 64:2, 66:2, 66:3, 66:23, 66:24, 67:5, 68:22, 71:17, 76:21, 89:5, 104:7, 118:6, 126:17, 129:15, 130:10, 143:24, 146:3, 165:16, 174:25, 175:5,</p>	<p>175:8, 176:6, 176:22, 188:22, 249:10, 269:17, 334:16, 405:5, 415:16, 427:11, 449:3, 460:6, 472:20, 481:9, 500:10, 501:19, 510:23, 596:22, 596:24, 598:13, 606:3, 606:7, 606:9, 608:19, 630:3, 706:15, 706:24, 719:8, 732:4, 760:15, 800:15, 802:13, 825:1</p> <p>world's [6] - 79:2, 142:20, 472:24, 472:25, 599:5</p> <p>worldwide [2] - 176:21, 176:25</p> <p>worried [11] - 67:2, 76:6, 88:20, 89:12, 118:22, 514:18, 715:22, 716:13, 851:23, 861:9</p> <p>worry [6] - 81:5, 123:1, 218:12, 515:19, 542:21, 661:11</p> <p>worse [9] - 111:4, 126:11, 412:24, 447:16, 469:13, 479:10, 632:21, 632:23, 803:18</p> <p>worst [6] - 427:16, 468:17, 617:20, 617:25, 715:10, 715:14</p> <p>worth [23] -</p>	<p>32:14, 42:22, 48:13, 64:4, 83:20, 83:21, 134:16, 271:1, 271:2, 392:1, 435:15, 436:24, 453:20, 453:22, 553:1, 612:13, 660:21, 711:17, 711:18, 748:19, 814:14, 853:23, 855:15</p> <p>worthy [3] - 478:16, 629:7, 629:12</p> <p>wound [1] - 326:11</p> <p>wounded [1] - 37:25</p> <p>wrap [2] - 1:8, 143:7</p> <p>wreck [1] - 150:19</p> <p>wrestled [1] - 553:25</p> <p>wrestling [1] - 587:19</p> <p>WRIGHT [2] - 65:3, 138:23</p> <p>Wright [1] - 1:13</p> <p>wringer [1] - 467:7</p> <p>wringer- type [1] - 467:7</p> <p>wrist [1] - 474:11</p> <p>write [6] - 319:16, 400:1, 756:19, 779:16, 782:11, 787:11</p> <p>writing [14] - 65:7, 269:10, 569:18, 643:19, 643:20, 702:22, 703:18, 787:14, 863:16, 868:4, 868:25, 870:11, 871:11, 889:6</p>
--	---	--	--	---	--	---

<p>written ^[36] - 3:25, 30:3, 55:25, 125:2, 129:14, 409:20, 460:22, 464:9, 480:24, 539:1, 540:9, 573:1, 578:1, 600:10, 601:18, 602:8, 602:25, 606:6, 611:21, 615:12, 625:21, 632:12, 638:25, 640:18, 702:10, 706:18, 756:20, 786:24, 802:4, 859:10, 883:22, 884:6, 891:25, 892:1, 893:2, 893:3</p> <p>Written ^[1] - 4:3</p> <p>wrongly ^[1] - 54:21</p> <p>wrote ^[18] - 60:7, 252:9, 280:16, 280:20, 321:3, 344:23, 390:10, 394:17, 394:22, 400:18, 488:9, 491:11, 643:15, 703:10, 703:20, 737:13, 779:21, 818:24</p> <p>WTOS ^[1] - 29:24</p> <p>WTOS-FM ^[1] - 29:24</p> <p>WURTS ^[1] - 51:13</p> <p>Wurts ^[1] - 51:13</p> <p>Wyman ^[20] - 2:19, 6:19, 37:1, 109:13, 147:16, 147:21, 158:19, 341:14,</p>	<p>341:19, 341:21, 341:25, 442:24, 476:18, 477:12, 566:12, 876:3, 876:6, 876:12, 876:20, 877:24</p> <p>Wyoming ^[1] - 131:15</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p>XII ^[1] - 593:2</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>Yale ^[1] - 739:20</p> <p>Yankee ^[3] - 67:25, 83:12, 249:16</p> <p>yard ^[9] - 111:5, 115:19, 454:1, 467:11, 523:5, 531:15, 560:6, 560:9, 767:18</p> <p>yards ^[6] - 533:9, 566:15, 607:7, 625:16, 724:14, 724:18</p> <p>Yarmouth ^[5] - 89:22, 96:14, 220:3, 467:18</p> <p>year ^[107] - 17:2, 20:16, 20:23, 26:17, 26:19, 28:25, 42:5, 54:7, 65:10, 66:15, 70:20, 78:22, 85:4, 101:20, 102:21, 103:4, 113:3, 146:14, 146:16, 148:6, 153:15, 170:23, 177:18, 179:7, 213:24, 218:12, 229:7, 253:14, 260:22, 261:13, 261:21, 263:13,</p>	<p>263:15, 263:17, 265:13, 279:17, 280:20, 296:8, 336:13, 337:1, 355:14, 361:16, 378:19, 378:22, 398:15, 403:5, 403:6, 411:3, 411:8, 412:4, 412:5, 412:10, 412:17, 412:22, 435:20, 439:12, 474:18, 481:20, 487:13, 487:16, 503:8, 507:10, 529:20, 530:23, 531:11, 536:19, 544:11, 564:22, 571:5, 588:9, 612:22, 644:16, 716:4, 726:14, 729:17, 731:20, 742:14, 769:22, 773:2, 776:5, 777:23, 791:14, 791:22, 798:10, 799:1, 805:1, 805:6, 821:25, 837:9, 851:17, 853:2, 864:9, 873:17, 874:6, 874:8, 874:22, 879:5, 879:11</p> <p>year-round ^[4] - 229:7, 474:18, 529:20, 531:11</p> <p>yearbooks ^[1] - 186:16</p> <p>years ^[264] - 16:23, 25:20, 37:13, 38:13, 38:14, 39:4, 39:16, 40:21, 41:15, 41:17,</p>	<p>45:4, 45:16, 46:20, 50:15, 57:8, 62:2, 62:3, 62:8, 63:20, 65:12, 65:15, 65:17, 65:21, 67:21, 68:10, 68:14, 69:9, 71:10, 71:16, 77:19, 78:16, 81:4, 81:14, 88:16, 97:22, 98:19, 99:10, 103:8, 103:23, 107:13, 108:25, 110:8, 113:19, 116:23, 117:3, 118:11, 119:18, 121:18, 122:15, 122:18, 125:10, 125:20, 126:2, 126:8, 126:10, 127:18, 128:20, 130:20, 132:10, 132:12, 134:1, 135:4, 137:22, 138:9, 141:9, 142:1, 143:24, 146:10, 149:20, 150:9, 150:12, 151:11, 152:5, 152:8, 153:8, 173:5, 173:8, 174:23, 175:2, 176:20, 177:24, 178:4, 182:14, 182:15, 184:7, 184:11, 184:20, 195:4, 195:13, 200:8, 200:19, 200:20, 202:25, 212:3, 213:24, 216:8, 217:24, 224:19, 225:5, 235:19, 245:4, 249:12, 255:23, 257:3, 260:13, 260:19, 263:7, 268:10,</p>	<p>272:12, 274:1, 278:10, 278:11, 278:12, 281:6, 286:7, 296:3, 297:2, 308:8, 342:19, 351:3, 351:6, 361:6, 361:9, 365:18, 365:20, 377:11, 386:15, 391:8, 392:19, 397:21, 398:7, 399:20, 401:25, 421:8, 435:23, 436:4, 436:8, 438:19, 444:22, 446:9, 447:8, 451:12, 452:5, 453:21, 458:6, 466:9, 466:25, 468:7, 469:20, 469:21, 471:20, 472:8, 472:20, 474:8, 474:9, 477:22, 482:3, 484:6, 484:15, 487:25, 489:13, 492:15, 492:21, 496:10, 496:12, 497:1, 500:6, 501:22, 504:24, 506:20, 508:8, 508:18, 508:24, 510:3, 513:8, 516:11, 516:19, 516:20, 517:6, 517:24, 518:16, 518:24, 519:4, 525:23, 526:14, 530:20, 531:14, 532:6, 532:9, 533:12, 534:15, 535:6, 536:8, 538:5, 538:11, 538:20, 539:19, 541:14, 541:24, 543:12, 547:19, 557:1,</p>	<p>558:20, 559:22, 562:4, 564:15, 566:13, 567:5, 587:20, 595:17, 595:18, 595:19, 596:7, 600:17, 609:9, 610:4, 629:22, 636:22, 637:6, 639:10, 644:13, 655:17, 655:20, 681:6, 708:19, 709:20, 715:9, 718:6, 723:14, 725:25, 731:16, 732:20, 735:16, 738:7, 739:6, 739:10, 760:5, 771:21, 778:1, 800:17, 801:24, 809:11, 818:24, 822:2, 823:5, 823:16, 825:2, 825:16, 831:21, 838:15, 839:4, 839:6, 848:19, 851:17, 872:10</p> <p>years' ^[4] - 202:7, 435:15, 477:14, 711:18</p> <p>yellow ^[5] - 217:9, 231:23, 430:6, 430:10, 734:10</p> <p>yellow-ish/green ^[1] - 217:9</p> <p>Yellowstone ^[3] - 319:9, 501:6, 596:3</p> <p>yes ^[2] - 674:5, 676:17</p> <p>yesterday ^[28] - 388:11, 409:10, 597:1, 601:1, 604:17, 631:16, 634:8, 655:20, 672:8, 691:11, 691:18, 700:25, 701:3,</p>	<p>707:14, 716:3, 728:25, 742:18, 762:2, 780:18, 781:6, 781:23, 834:11, 834:18, 834:19, 840:13, 844:23, 845:14, 885:16</p> <p>Yesterday ^[4] - 314:25, 339:16, 658:10, 834:11</p> <p>yield ^[2] - 384:24, 449:25</p> <p>YIMBY ^[1] - 135:15</p> <p>York ^[7] - 91:21, 118:4, 118:8, 256:16, 435:19, 497:3, 558:3</p> <p>Yosemite ^[1] - 501:14</p> <p>young ^[5] - 116:18, 230:5, 475:9, 526:5, 738:8</p> <p>younger ^[1] - 580:11</p> <p>youngest ^[1] - 122:16</p> <p>yourself ^[8] - 23:17, 220:1, 509:19, 551:19, 551:22, 551:24, 693:10, 769:2</p> <p>yourselves ^[2] - 549:12, 551:10</p> <p>youth ^[3] - 52:19, 469:4, 523:24</p> <p>youthful ^[1] - 71:22</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zeal ^[1] - 737:2</p> <p>Zealand ^[1] - 718:14</p>
---	--	--	---	---	---	---

<p>zealous [1] - 107:24</p> <p>zero [13] - 59:19, 176:15, 244:7, 259:5, 393:21, 407:25, 511:9, 561:13, 791:15, 814:5, 881:11, 881:22, 887:6</p> <p>zest [1] - 109:8</p> <p>zone [22] - 121:19, 147:1, 147:18, 248:3, 353:18, 477:21, 480:13, 484:19, 486:20, 495:7, 519:10, 579:2, 623:23, 627:9, 650:16, 654:8, 656:7, 748:9, 800:1, 884:10, 885:15</p> <p>zoned [7] - 45:11, 51:9, 440:15, 440:16, 519:12, 586:1, 615:4</p> <p>zones [14] - 519:3, 519:9, 519:11, 656:10, 656:14, 735:17, 739:24, 750:16, 750:18, 750:20, 750:21, 750:22, 885:14</p> <p>zoning [33] - 24:16, 46:14, 106:20, 121:10, 121:12, 121:13, 121:14, 122:7, 149:18, 150:24, 447:1, 449:12, 467:21, 478:7, 480:10, 494:8, 494:11, 494:17, 495:8,</p>	<p>495:21, 549:21, 549:23, 575:9, 575:10, 579:1, 579:9, 579:17, 593:5, 594:17, 698:19, 738:15, 738:19, 753:5</p> <p>Zoning [2] - 2:9, 155:13</p> <p>ZP [1] - 593:5</p> <p>ZP-702 [3] - 2:10, 106:20, 155:13</p>
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